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## CHAPTER 2

## CITY ADMINISTRATION

ARTICLE 1. ESTABLISHMENT OF FOUR (4)  
BRANCHES OF GOVERNMENT.**Sec. 2-1 Four (4) Branches of Government.**

The government of the City of Greenwood, Indiana, shall consist of four (4) branches those being:

- (a) Executive Branch (*I.C.* 36-4-5)
- (b) Legislative Branch (*I.C.* 36-4-6)
- (c) Fiscal Branch (*I.C.* 36-4-10)
- (d) Judicial Branch (*I.C.* 33-10.1-1-3)

**Sec. 2-2 and Sec. 2-3 Reserved for Future Use.**

## ARTICLE 2. EXECUTIVE BRANCH.

**Sec. 2-4 Mayor.<sup>1</sup>**

The Mayor is the City executive and head of the executive branch. He or she shall faithfully perform the duties and responsibilities contained in *I.C.* 36-4-5 and other statutes of the State of Indiana.

**Sec. 2-5 Board of Public Works and Safety.<sup>2</sup>**

There is continued in existence a board of Public Works and Safety within the executive branch. The members of the Board of public Works and Safety are the Mayor and two (2) voters of the City who shall be chosen by the Mayor and serve at his or her pleasure.

**Sec. 2-6 Executive Departments.<sup>3</sup>**

- (a) The Mayor shall be the chief administrator of the City and shall have control of the day-to day operations of the following executive departments which are hereby established or continued in existence

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<sup>1</sup> *I.C.*, 3-2-7-1, *et seq.* address the election of the Mayor: and *I.C.* 36-4-5-8 address procedures to be followed in the event of absence, illness or inability of Mayor to perform duties and powers.

<sup>2</sup> *I.C.*, 36-4-9-5, sets forth the authority to establish a Board of Public Works and Safety.

<sup>3</sup> *I.C.*, 36-4-9-8, sets forth the Mayor's authority to appoint officers, employees, board and commissions in third class cities, and *I.C.*, 36-4411-2(a) authorizes appointment of employees in emergency situations.

- (1) Engineering Department
- (2) Fire Department
  - (a) Fire Pension Board
    - (i) 1937 Fund (*I.C.*, 36-8-7)
    - (ii) 1977 Fund (*I.C.*, 36-8-8)
- (3) Legal Department (*I.C.*, 36-4-9-12)
- (4) Parks and Recreation Department (*I.C.*, 36-4-9-4)
- (5) Planning and Zoning Department
- (6) Police Department
  - (a) Police Pension Board
    - (i) 1925 Fund (*I.C.*, 36-8-6)
    - (ii) 1977 Fund (*I.C.*, 36-8-8)
- (7) Sanitation Department
- (8) Street Department
- (9) Fleet Maintenance Department (Ord. 02-20, §4, 4-20-02)
- (10) Department of Waste Management (Ord. No. 92-30, § 3, 6-29-92)
- (11) Department of Redevelopment (Ord. No. 96-37, §1, 10-21-96)
- (12) Information Technology Department (Ord. 97-48, §3, 1-19-98; Ord. 02-20, §2, 4-20-02)
- (13) Human Resources Department (Ord. 01-35, §3, 8-20-01)

(b) A chart depicting the Executive Departments of the City of Greenwood, Indiana, appears at the end of this Chapter.

(c) The Parks and Recreation Department shall be operated and controlled by the Park and Recreation Board, which Department and which Board shall operate under and be governed by the provisions of *I.C.*, 36-10-3-1 *et seq.* (Ord. No. 83-13, § 1, 9-19-83)

(d) Pursuant to *I.C.*, 8-22-2-1, in the City of Greenwood, Indiana, the Greenwood Municipal Airport is under the control of a board of four (4) members to be known as the Greenwood Board of Aviation Commissioners. (Ord. No. 84-32, § 3, 7-16-84)

## **Sec. 2-7 Commissions and Boards.**

(a) The following Commissions and Boards are continued in existence:

- (1) Board of Zoning Appeals (*I.C.*, 36-7-4-900 *et seq.*).
- (2) Greenwood Economic Development Commission (*I.C.*, 36-7-12-1 *et seq.*).
- (3) Greenwood Board of Aviation Commissioners .
- (4) Greenwood Advisory Plan Commission. (*I.C.*, 36-7-4.200 *et seq.*)
- (5) Greenwood Police Merit Commission.
- (6) Park and Recreation Board (*I.C.*, 36-10-3-1).

(b) The Greenwood Advisory Plan Commission shall have eleven (11) members, per *I.C.*, §§ 36-7-4-207 and -214, with the annual salary for each being established by appropriate ordinance. (Ord. No. 84-5, § 1, 1-16-84)

(c) The Greenwood Economic Development Commission shall have five (5) members who are selected as follows:

(1) Three (3) members shall be selected and appointed by the Mayor;

(2) One (1) member shall be selected and appointed by the County Council of Johnson County, Indiana;

(3) One (1) member shall be selected and appointed by the Common Council of the City of Greenwood;

(4) At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated in the same manner as the original appointee, each of which nominees shall be appointed by the Mayor within ten (10) days after receiving such nomination, and each succeeding member will serve for a term of four (4) years;

(5) In the event any person appointed as Commissioner shall fail to qualify as hereinafter provided within ten (10) days after the mailing to him of notice of his appointment, or if any member after qualifying shall die, resign, or vacate such office, or be removed as hereinafter provided, a new member shall be chosen and appointed to fill such vacancy in the same manner as provided for the member in respect to whom such vacancy occurred, and the member so chosen and appointed shall serve for the remainder of the vacated term;

(6) Such Commissioners shall receive no salaries but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duty;

(7) No person shall be appointed as a Commissioner who is not either a resident of the City of Greenwood, Indiana, employed in such city, or owner of a business in such city; if any Commissioner shall cease to qualify in one of the above categories, his appointment on such Board shall thereby terminate and his office shall become vacant. Each Commissioner, before entering upon his duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his appointment, which shall be promptly filed with the Clerk;

(8) The Commission shall elect one of its members as President, one as Vice-President, and one as Secretary, each of which officers shall serve from the day of his election until the thirty-first (31st) day of January next following his election and until his successor is elected and qualified;

(9) The Commission is authorized to adopt such by-laws, rules and regulations as it may deem necessary for the proper conduct of its proceedings, the carrying out of its duties and the safeguarding of the funds and property placed in its custody; regular or special meetings shall be held as such time as it may determine and upon such notice as it may fix, either by resolution or in accordance with the provisions of the by-laws, rules and regulations adopted; a majority of the Commission shall constitute a quorum and the concurrence of a majority shall be necessary to authorize any action.

(Ord. No. 72-24, §1-4, 1-3-73; Ord. No. 83-34, §1-2, 12-19-83)

(d) Pursuant to *I.C.*, 8-22-2-1, each member of the Greenwood Board of Aviation Commissioners shall be paid a per diem in the amount of Thirty-Five Dollars (\$35.00) for each whole or part day a member is engaged in the activities of the Greenwood Board of Aviation Commissioners; provided however, a member shall not be paid a per diem for any day in excess of two (2) days per calendar month. (Ord. No. 84-49, § 1, 12-17-84)

(e) The members of the Greenwood Board of Aviation Commissioners shall be paid their actual expenses, which may include the expenses of the members or employees of said Board in attending meetings or conventions held to discuss aviation matters. (Ord. No. 84-49, § 2, 12-17-84)

#### **Sec. 2-8 Department of Redevelopment and Redevelopment Commission.**

(a) The Common Council of the City of Greenwood, Indiana ("CITY"), now deems it to be in the best interest of the CITY and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the CITY by establishing a Department of Redevelopment (IC 36-7-14, 25).

(b) The Common Council hereby establishes the Department of Redevelopment of the City of Greenwood. The Department of Redevelopment will be controlled by a board of five (5) members known as the Greenwood Redevelopment Commission.

(c) Pursuant to the ACT, all of the territory within the corporate boundaries of the CITY will be a taxing district to be known as the Redevelopment District of Greenwood for the purpose of levying and collecting special benefit taxes for redevelopment and economic development purposes as provided in the ACT. The Common Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the ACT to the extent of the special taxes levied under the ACT.

(d) The membership of the Greenwood Redevelopment Commission shall be appointed as follows:

(1) The Mayor of the City of Greenwood shall appoint three (3) of the five (5) members of the Greenwood Redevelopment Commission.

(2) The Common Council hereby appoint two (2) of the five (5) members of the Greenwood Redevelopment Commission.

(e) The term of office of the members of the Greenwood Redevelopment Commission shall commence from the date of their appointment and expire on January 1, 1998. (Ord. No. 96-37, § 1, 10-21-96)

#### **Sec. 2-9 Information Technology Department.**

(a) An Information Technology Department of the City of Greenwood (the "Department") is established.

(b) The Information Technology Department shall consist of a Chief Information Officer, the Department Head, and such other employees as shall from time to time be authorized by the City Legislative Body.



(c) The Chief Information Officer and employees of the Department shall serve for no set term and as employees at will. The Chief Information Officer shall be appointed by the Mayor. All other employees in the Department shall be appointed by the Chief Information Officer.

(d) The Department shall have the following duties:

(1) The Department shall serve as the City's single point of coordination in the areas of design, procurement, standardization, implementation, service, and support of all the technological needs of the departments, boards, commissions and other agencies of the CITY. Such technological needs include, but are not limited to, those associated with the following:

- (i) Computer hardware and software,
- (ii) Two-way radio,
- (iii) Telephone,
- (iv) Cellular telephone,
- (v) Paging,
- (vi) Television, and
- (vii) Audio and video monitoring and recording.

The Department shall have exclusive power and responsibility to make purchases or procurement of all technological supplies, equipment, and services needed by any and all departments, boards, commissions and other agencies of the City regardless of the source of funds. Agencies empowered by state statute to purchase independently may appoint the City's Information Technology Department as their agent for such purchases upon delegation of such independence by the proper authority.

(2) The Department shall keep complete and detailed records of all purchases and disbursement, including purchase orders issued, quotations received, basis for bid award, and any and all documents required for audit of purchase activity.

(3) Purchases or contracts for technological goods and services shall not be executed by any officer or employee other than the Chief Information Officer, or his delegated agent.

(e) Procurement procedures.

(1) The Department shall prepare or approve purchase order forms or request forms, instructions, and all standards and written specifications for technological supplies, equipment, and services.

(2) The Department shall be responsible for developing and administering such other policies, rules, and regulations not inconsistent with this section or state statutes, which the Department deems necessary for the efficient coordination of the design, procurement, standardization, implementation, service, and support of the technological needs of the departments, boards, commissions and other agencies of the City. A copy of such policies, rules, and regulations shall be distributed to all such City agencies and filed with the City Clerk-Treasurer.

(f) Disposal of property. All City Departments shall submit reports to the Information Technology Department indicating the technological supplies and equipment on hand and not in use, as requested. The Information Technology Department shall be responsible for and have the authority for or to cause the disposal of obsolete, excess, unused, or scrap technological supplies and equipment, in accordance with the laws of the State of Indiana. All revenues shall be deposited with the City Clerk-Treasurer.

(g) The Department shall perform such other duties as are from time to time assigned to it by the Mayor. (Ord. No. 97-48; §2, 1-19-98)

(Ord. 02-20, § 3, 4-20-02)

#### **Sec. 2-10 Human Resources Department**

(a) A Human Resources Department of the City of Greenwood (the “Department”) is established.

(b) The Human Resources Department shall consist of a Human Resources Director, the Department Head, and such other employees as shall from time to time be authorized by the City Legislative Body.

(c) The Director and employees of the Department shall serve for no set term and as employees at will. The Director shall be appointed by the Mayor. All other employees in the Department shall be appointed by the Director.

(d) The Department shall have the following duties:

The Department shall perform administrative functions to develop and design employee relations policies and procedures; to support and advise the various departments of the City regarding employee and personnel matters including implementation of programs, policies and procedures related to employment, hiring, orientation, safety, training, discipline, employee services and legal compliance; and compensation and benefits

(e) The Department shall perform such other duties as are from time to time assigned to it by the Mayor.  
(Ord. No. 01-35; §2, 8-20-01)

#### **Sec. 2-11 Reserved for Future Use.**

### **ARTICLE 3. FISCAL BRANCH.**

#### **Sec. 2-12 The Clerk-Treasurer.**<sup>4</sup>

(a) The Clerk-Treasurer is the fiscal officer of the City and the head of the fiscal branch. He or she shall perform the duties assigned by *I.C.*, 36-4-10, and such other duties as the Common Council may, by ordinance, require.

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<sup>4</sup> *I.C.*, 36-4-10-1 through *I.C.*, 36-4-10-5, set forth the general powers of the Clerk-Treasurer.

(b) The Clerk-Treasurer is authorized, pursuant to *I.C.*, 36-4-11-4, to hire the number of employees authorized by the City legislative body and may, at his or her discretion, appoint a deputy. Such employees shall work under the exclusive direction of the Clerk-Treasurer, and shall serve at the pleasure of the Clerk-Treasurer.

**Sec. 2-13 Clerk-Treasurer's Election and Term of Office.**

(a) The Clerk-Treasurer shall be elected in the same manner as the Mayor.

(b) The Clerk-Treasurer shall take office at twelve noon on the first day of January following his or her election, and shall serve for four (4) years and until a successor is elected and qualified pursuant to *I.C.*, 3-2-7-5.

**Sec. 2-14 through 2-16 Reserved for Future Use.**

**Next page in this book is 31.**

**ARTICLE 4. JUDICIAL BRANCH.****Sec. 2-17 City Court.**<sup>5</sup>

(a) The Greenwood City Court is continued in existence. (Ord. No. 78-26, § 1, 9-6-78; 1983 *Greenwood Municipal Code*, § 2-2)

(b) The City Court shall be operated by a City Judge elected and seated pursuant to *I.C.*, 33-10.1-3-1.1 *et seq.*

**Sec. 2-18 Reserved for Future Use.****ARTICLE 5. OTHER PARTS OF GOVERNMENT.****Division I. Fire Pension Board.****Sec. 2-19 Definitions.**

The following definitions shall apply throughout this Ordinance:

"**CHIEF**" shall mean the Chief of the Greenwood Fire Department, or his designee, unless the context clearly indicates otherwise;

"**LOCAL BOARD**" shall mean the Fire Pension Board of the City of Greenwood;

"**LOCAL STANDARDS**" or "**STANDARDS**" shall mean standards developed by the local pension board for establishing a passing grade or score on the agility, mental and physical examinations required by *I.C.*, 36-8-3.2 for admission to the Public Employees Retirement Fund;

"**MEMBER OF THE FIRE DEPARTMENT**" or "**MEMBER**" or "**ACTIVE MEMBER**" shall mean a full-time paid employee of the Greenwood Fire Department, including the Chief;

"**PERF**" shall mean the Public Employees Retirement Fund established pursuant to *I.C.*, 5-10.3-1 *et seq.* (Ord. No. 93-2, § 1, 2-15-93)

**Sec. 2-20 Fire Pension Board Established.**

There is established in the City of Greenwood a Fire Pension Board, which shall perform the following duties:

(a) Establish the standards for passing the agility, mental and physical examinations required for admission of a new employee to PERF;

(b) Certify to PERF that an applicant for employment has passed those examinations;

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<sup>5</sup> *I.C.*, 33-10.1-1-1, *et seq.* addresses City Courts in general; *I.C.*, 33-10.5-1-3 and *I.C.*, 33-10.1-2-2 address areas of jurisdiction.

(c) Determine whether members of the Fire Department are entitled to a leave of absence for purposes of disability;

(d) Determine whether a member has a covered impairment as defined by *I.C. 36-8-8-12.3* which makes the member unable, either temporarily or permanently, to perform the member's duties with the Department; and

(e) All other duties imposed upon the Board by law. (Ord. No. 93-2, § 2, 2-15-93)

**Sec. 2-21 Trustees.**

The Trustees of the Local Board shall be as follows:

(a) The Mayor and Chief, who shall be ex-officio members, and shall be entitled to vote on any matter, and be counted towards a quorum at any meeting;

(b) When there are three or more retired members of the Fire Department, one (1) Trustee shall be elected for a two-year term from among the retired members, in accord with Section 2-24 below; and

(c) Four (4) active members of the Fire Department who shall be elected to four-year terms, in accord with Section 2-23 initially, and Section 2-24, below, thereafter. (Ord. No. 93-2, § 3, 2-15-93)

**Sec. 2-22 Election of Trustees, Initial.**

(a) The first election of the Fire Department member Trustees shall be held within sixty (60) days of the effective date of this ordinance. The Chief shall post a notice in one (1) or more prominent locations at Fire Station No. 1, setting the date, time and place of the meeting to nominate candidates and elect Trustees of the Local Board. Such notice shall be posted at least forty-eight (48) hours in advance of the meeting.

(b) At the meeting, the members of the Fire Department shall nominate candidates from among their membership for election to the Board. Immediately thereafter, members shall vote for four (4) candidates; the four (4) with the most votes shall serve as Trustees of the Local Board.

(c) The Trustees so elected shall serve staggered terms of one, two, three and four years, which shall be determined by lot. (Ord. No. 93-2, § 4, 2-15-93)

**Sec. 2-23 Election of Trustees, Active Members.**

(a) An election shall be held on the second Monday in February every year after establishment of the Local Board to elect one (1) Trustee from the active members of the Fire Department for a term of four (4) years. The Chief shall fix the date and time for holding a convention to nominate

candidates for Trustees to be elected at each election. Each convention must be held at least five (5) days before the day on which the election is held, and the notice fixing the date of the convention must be posted at least five (5) days in advance of the convention. A convention consists of one (1) delegate from each fire company, and one (1) delegate chosen by the Chief. The convention, when assembled, shall nominate at least two (2) but no more than six (6) members of the Department to be voted upon as Trustees, and the delegate shall report the names of the persons nominated to the Chief, who shall cause the names to be listed in a prominent location at Fire Station No. 1 and all Fire Stations to which active members are assigned, along with the date, time and location of the election.

(b) The election shall be held at Fire Station No. 1 between 9:00 a.m. and 6:00 p.m. on the second Monday in February. Votes shall be cast by secret written ballot. Each member is entitled to one ballot, and may vote for not more than one (1) candidate. The candidate receiving the highest number of votes is elected.

(c) The ballots shall be delivered by the Chief to the Greenwood Clerk-Treasurer who shall open them, count them, and certify the name of the candidate receiving the highest number of votes. If two (2) or more candidates receive an equal number of votes, the Mayor and the Chief will determine by lot who will be Trustee among those persons receiving an equal number of votes.

(d) An election may not be set aside for lack of formality in balloting by the members, or in certifying or transmitting the ballots to or by the Clerk-Treasurer. (Ord. No. 93-2, § 5, 2-15-93)

#### **Sec. 2-24 Election of Trustees, Retired Members.**

(a) Whenever there are three (3) or more retired members of the Fire Department, one (1) Trustee shall be elected to the Board from among them. An election will be held on the second Monday in February every two (2) years to elect the Trustee.

(b) Whenever there are more than four (4) retired members of the Fire Department, a convention will be held to nominate not more than four (4) candidates, in the same manner as described in the previous section for nomination of candidates from among the active members.

(c) The election shall be conducted by mail. Each retired member is entitled to cast one (1) ballot by mail, and the ballot may contain not more than one (1) name. The ballots shall be mailed to the retired member at the last address which the member has designated at least ten (10) days in advance of the date of the election. The ballots returned by the date of the election will be delivered to the Clerk-Treasurer for opening, counting and certification, in the same manner as described above for election of Trustees from among the active members. (Ord. No. 93-2, § 6, 2-15-93)

**Sec. 2-25 Officers; Adoption of Rules; Quorum; Proceedings.**

(a) The Chief shall be the president of the Local Board; the Trustees may elect one (1) of their own number to serve as secretary, or the Trustees may select another member of the Fire Department to serve as a non-voting secretary. The secretary shall keep a full record of the proceedings of the Local Board in a book provided for the purpose.

(b) The Local Board shall make all rules necessary for the discharge of its duties.

(c) A majority of the Board shall constitute a quorum for any action.

(d) A majority vote of all of the Trustees shall be sufficient to take any action which the Board may take. (Ord. No. 93-2, § 7, 2-15-93)

**Sec. 2-26 Ratification of Prior Acts.**

All acts by the Chief, Clerk-Treasurer or the Mayor prior to the passage of this ordinance, which were on behalf of the Board or in its stead or in furtherance of the objectives of this Article are adopted and ratified. (Ord. No. 93-2, § 8, 2-15-93)

**Sec. 2-27 through 2-34 Reserved for Future Use.****ARTICLE 6. ORDINANCE VIOLATIONS BUREAU.****Sec. 2-35 Ordinance Violations Bureau Created.**

There shall be created an Ordinance Violations Bureau pursuant to *I.C.*, 33-6-3-1 *et seq.*, as amended, for the City of Greenwood. (Ord. No. 88-75, § 1, 12-19-88)

**Sec. 2-36 Violations Clerk.**

The City Clerk-Treasurer is appointed and shall serve as the Violations Clerk, who administers the Bureau. (Ord. No. 88-75, § 2, 12-19-88)

**Sec. 2-37 Documents and Payments Accepted.**

The Clerk-Treasurer and her staff, as her agents, shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violation as provided below. (Ord. No. 88-75, § 3, 12-19-88)

**Sec. 2-38 Schedule of Ordinances and Civil Penalties.**

(a) The following schedule of ordinances (hereinafter “Ord”) and *Greenwood Municipal Code* (hereinafter “*GMC*”) provisions shall be subject to the jurisdiction of the Ordinance Violations Bureau and the first violations within a calendar year of said ordinances and *Code* provisions shall be subject to the civil penalty set forth below: (Ord. No. 06-19, §2, 6-19-06)

***Ordinances or Code Provisions******Civil Penalty*****Ordinances**

No Parking Zones on Sunset and Lawndale (Ord. No. 89-7, § 1, 3-7-89)	\$15.00
Two Hour Parking Zones on the North Side of Main Street in certain area and at certain times (Ord. No. 92-10, § 2, 4-6-92)	\$15.00
No Parking Zones on Tree Top Lane (Ord. No. 91-16, § 2, 5-20-91)	\$15.00
No Parking Zones on Tree Top Lane and Rolling Hill road in the Imperial Hills Subdivisions (Ord. No. 92-5, § 2, 3-2-92)	\$15.00
No Parking Zones on Broadway Street (Ord. No. 91-11, § 2, 4-15-91)	\$15.00
No Parking Zones on Greenwood Street (Ord. No. 91-7, § 2, 4-1-91)	\$15.00
No Parking Zones on Washington Street (Ord. No. 91-32, § 2, 8-26-91)	\$15.00
No Parking Zones on Barbara Drive (Ord. No. 93-1, § 1, 2-15-93)	\$15.00
No Parking Zones on East Street (Ord. No. 93-38, § 1, 8-16-93)	\$15.00
No Parking Zones on Gooseberry Lane, Park Drive and North Gate Drive in Northern Park and Colonial Springs Subdivisions (Ord. No. 94-11, § 1, 5-4-94)	\$15.00
No Parking Zones on Bull Run North Drive, Bull Run West Drive, Bull Run South Drive, Grant Court, Gettysburg Parkway, Monitor Court and Vicksburg Drive in Shiloh Run Subdivision (Ord. No. 94-36, § 1, 9-7-94)	\$15.00
No Parking Zones on Orchard Lane (Ord. No. 94-49, § 1, 11-21-94)	\$15.00
No Parking Zones on Cielo Vista Drive and Cielo Vista Court (Ord. No. 97-16, § 1, 5-19-97)	\$15.00
No Parking Zones North Side of Euclid Avenue of 115 feet west and 130 feet east from Euclid Avenue's intersection with Greenwood Street (Ord. No. 99-48, § 1, 11-15-99)	\$15.00
No Parking along the first 20 feet of allowable parking area east of the private entry of 220 W. Main street (Ord. No. 99-49, § 1, 11-15-99)	\$15.00



*Ordinances or Code Provisions**Civil Penalty***Ordinances**

No Parking Zones on the side of the street with mailboxes, generally located on the west side of Hacienda Place, the south side of Tampico Road, the north side of Palo Vista Road and the west side of El Camino Road within the City of Greenwood: \$15.00

- a. The Greenwood Common Council hereby designates no parking, Civil Penalty – \$15.00, on the west side of Hacienda Place, the south side of Tampico Road, the north side of Palo Vista Road, and the west side of El Camino Road, with the Greenwood City Limits;
- b. The Greenwood Common Council hereby directs the marking by signs or otherwise of the parking restrictions in the appropriate locations in accordance with subsection (a) above and in accordance with the Indiana Manual on Uniform traffic Control Devices. (Ord. No. 2-14, § 1, 4-15-02)

No Parking Zones on the cul-de-sac of Riverside Drive and on the west side of Riverside Drive \$15.00

- a. The Greenwood Common Council hereby designates no parking, Civil Penalty - \$15.00, on the cul-de-sac of Riverside Drive and on the west side of Riverside Drive, within the Greenwood City Limits;
- b. The Greenwood Common Council hereby directs the marking by signs or otherwise of the parking restrictions in the appropriate locations in accordance with subsection (a) above and in accordance with the Indiana Manual on Uniform Traffic Control Devices. (Ord. No. 02-35, § 1, 9-16-02)

No Parking on the north and south sides of the portion of W. Main Street located between U.S. Highway 31 and State Road 135: \$15.00

- a. The Greenwood Common Council hereby designates no parking, Civil Penalty – \$15.00, on the north and south sides of the portion of W. Main Street located between U. S. Highway 31 and State Road 135, within the Greenwood City Limits;
- b. The Greenwood Common Council hereby directs the marking by signs or otherwise of the parking restrictions in the appropriate locations in accordance with subsection (a) above and in accordance with the Indiana Manual on Uniform Traffic Control Devices. (Ord. No. 03-50, § 1, 12-1-03)

*Ordinances or Code Provisions**Civil Penalty***Ordinances**

No Parking on the Holman Place and on both sides of Elm Drive, also commonly known as Elm Street:

\$15.00

- a. The Greenwood Common Council hereby designates no parking, Civil Penalty - \$15.00, on Holman Place and on both sides of Elm Drive, commonly known as Elm Street, along its curves, within the Greenwood City Limits;
- b. The Greenwood Common Council hereby directs the marking by signs or otherwise of the parking restrictions in the appropriate locations in accordance with subsection (a) above and in accordance with the Indiana Manual on Uniform Traffic Control Devices.

(Ord.No. 04-38, § 1, 9-8-04)

No Parking on the east and west sides of Kilbourne Drive for a distance of 200 feet south from Fry Road.

\$15.00

- a. The Greenwood Common Council hereby designates no parking, Civil Penalty - \$15.00, on the east and west sides of Kilbourne Drive for a distance of 200 Feet south from Fry Road, within the Greenwood City Limits;
- b. The Greenwood Common Council hereby directs the marking by signs or otherwise of the parking restrictions in the appropriate locations in accordance with subsection (a) above and in accordance with the Indiana Manual on Uniform Traffic Control Devices.

(Ord. No. 06-28, § 1, 9-18-06)

*Ordinances or Code Provisions**Civil Penalty**Code Provisions*

Sec. 2-39	Second admission of judgment of a violation of the same Ordinance with a calendar year (Ord. No. 06-19, §3, 6-19-06)	Fine + \$5.00
	Third admission or judgment of a violation of the same Ordinance within a calendar year	Fine + \$10.00
Sec. 4-60, 6-26	No dog tag (First offense)	\$5.00
Sec. 4-102	No Peddler, Solicitor, Transient Merchant permit	\$15.00
Sec. 4-106	No Street Vendor permit	\$15.00
Sec. 4-158	No Sound Amplifier Permit <b>REPEALED (Ord. 04-31, 8-2-04)</b>	
Sec. 4-166	Distribution of Handbills (Ord. No. 91-13, § 11, 5-8-91)	\$15.00
Sec. 5-30	Parks and Recreation violations Sec. 5-11, Being in Closed Park Sec. 5-12, Animals in Park Sec. 5-14, Improperly Skating or Bicycling in Park Sec. 5-15, Loitering in Parking Lots	\$15.00
Sec. 6-15	Animal noise violations (First offense)	\$25.00
Sec. 6-18	Animal running at large (First offense)	\$15.00
Sec. 6-26, 4-60	No dog tag (First offense)	\$5.00
Sec. 6-145	Address and Premises Identification violations (First offence in calendar year)	\$15.00
Sec. 6-156	Noncompliance with smoke alarm provisions for one or two family units (First offence in a calendar year)	\$15.00
Sec. 6-272	Allowing nuisances to exist.	\$15.00
Sec. 6-277	Noise Regulations (ord. No. 99-40) (Ord. 00-28, § 1, 9-6-00)	\$50.00
Sec. 6-296	Littering of public way	\$15.00
Sec. 6-333	Placement of posters on telephone poles	\$15.00

***Ordinances or Code Provisions***  
**Code Provisions**

***Civil Penalty***

Sec. 6-336	Garage/yard sales exceeding 3 days within 30 day period	\$15.00
Sec. 8-2	Failure to follow direction of Traffic Control Devices	\$15.00
Sec. 8-16	Violation of traffic regulations on school property	\$15.00
Sec. 8-28(a)	Parking violations (First conviction in a calendar year Sec. 8-20, No Parking zones, generally Sec. 8-22, Failure to follow no-parking signs Sec. 8-26, No commercial vehicle parking Sec. 6-91, Parking in fire lanes	\$15.00
Sec. 8-29	Temporary restrictions or prohibitions on parking in emergencies, bad weather or special events (Ord. No. 94-11, § 1, 5-4-94)	\$15.00 to \$100.00
Sec. 8-55(c)	No Right Turn on Red violations (First violations in a calendar year)	\$15.00
Sec. 8-82	Bicycle violations Sec. 8-75, Carrying passenger without separate seat Sec. 8-76, Bicycle on business district sidewalk Sec. 8-77, Interfering with vehicular or pedestrian traffic Sec. 8-78, Improper turn Sec. 8-79, Failure to signal Sec. 8-80, No lights at night	\$5.00
Sec. 8-88	No bicycle license	\$1.00

(b) The following schedule of ordinances (hereinafter “Ord.”) and *Greenwood Municipal Code* (hereinafter “GMC”) provisions shall be subject to the jurisdiction of the Ordinances Violations Bureau and violations of said ordinances and *Code* provisions shall be subject to the civil penalty set forth below:  
(Ord. No. 06-19, §2, 6-19-06)

Sec. 6-349	Ord. No. 06-03, Smoking Regulations (Ord. No. 06-19, §2, 6-19-06)	\$50.00 for Smoking in a Prohibited Area
		\$50.00 for the first violation as an owner, manager or controller of property to comply with any Regulation
		\$100.00 for the second violation as an owner, manager or controller of property to comply with any Regulation

**Sec. 2-39 Subsequent Admissions or Judgments.**

The second admission or judgment of a violation of the same ordinance or *Code* provision scheduled in Sec. 2-38 within a calendar year shall be subject to the penalty set forth above plus Five Dollars (\$5.00) as the total civil penalty. Any third admission or judgment of a violation of the same ordinance or *Code* provision scheduled in Section 2-38 within a calendar year shall be subject to the penalty set forth above plus Ten Dollars (\$10.00) as the total civil penalty. (Ord. No. 89-7, § 2, 3-6-89)

Admissions or judgments after the third shall be subject to the general penalty provision of this *Code*, Section 1-13.

**Sec. 2-40 through Sec. 2-44 Reserved for Future Use.**

## ARTICLE 7. OFFICERS AND EMPLOYEES

Division I. Generally.**Sec. 2-45 Surety Bonds for Public Officials.**<sup>6</sup>

(a) The Greenwood Common Council authorizes a minimum blanket bond in the amount of Fifteen Thousand Dollars (\$15,000.00) to cover faithful performance of all of the City of Greenwood employees, appointed officials and commission members not covered by an individual surety bond. (Ord. No. 91-47, § 1, 12-2-91)

(b) The Greenwood Common Council authorizes an individual surety bond for the City Court Clerk position and fixes the amount of said bond at a minimum amount of One Hundred Thousand Dollars (\$100,000.00). (Ord. No. 91-47, § 2, 12-2-91)

(c) The Greenwood Common Council fixes the minimum amount of the Greenwood Clerk-Treasurer's individual bond at One Hundred Eighty Thousand Dollars (\$180,000.00) and the minimum amount of the Greenwood City Court Judge's individual bond at One Hundred Thousand Dollars (\$100,000.00). (Ord. No. 91-47, § 3, 12-2-91)

(d) The Greenwood Common Council authorizes the Mayor to increase the coverage of the blanket bond to cover faithful performance of all of the City of Greenwood employees, appointed officials and commission members not covered by an individual surety bond, when required by State law or the receipts support it, in the Mayor's discretion. (Ord. No. 91-47, § 4, 12-2-91).

(e) The Greenwood Common Council authorizes the City Court Judge to increase the individual surety bond coverage for the City Court Clerk position and the City Court Judge position when required by State law or the receipts support it, in the Judge's discretion. (Ord. No. 91-47, § 5, 12-2-91)

(f) The Greenwood Common Council authorizes the Clerk-Treasurer to increase the individual surety bond coverage for the Clerk-Treasurer position when required by State law or the receipts support it, in the Clerk-Treasurer's discretion. (Ord. No. 91-47, § 6, 12-2-91)

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<sup>6</sup> I.C., 5-4-1-18, requires the Common Council to authorize bonds and their amounts.

**Sec. 2-46 Removal, Suspension, and Dismissal.**<sup>7</sup>

Any City officer or employee may be removed from office in the manner prescribed by law. (*Code* 1968, § 2.10; *1983 Greenwood City Code* § 2-42)

**Sec. 2-47 Mayor to Appoint Committees.**<sup>8</sup>

The Mayor shall appoint standing and special committees as she or he may deem proper from members of the Common Council and other persons. (*Code* 1968, § 2.10; *1983 Greenwood City Code* § 2-43)

**Sec. 2-48 City Attorney.**<sup>9</sup>

The City Attorney shall attend all meetings of the Common Council and prepare all ordinances and resolutions. He or she shall advise the Common Council and other officers on all points of law submitted to her or him. He or she shall represent the City in all legal proceedings. He or she shall prepare all bonds, contracts and other written instruments to which the City is a party and in general, he or she shall look after the interests of the City in all matters of a legal nature. He or she shall also report each year, at the time the reports of the Clerk-Treasurer and Chief of Police are received, the separate amounts of money received by the City during the preceding year by reason of any litigation or any transactions with which he or she was officially connected. (*Code* 1968, § 2.07; *1983 Greenwood Municipal Code* § 2-45)

**Sec. 2-49 through 2-54 Reserved for Future Use.**

**Division II. Indemnification of City Officers,  
Appointees, Employees, and Agents.**<sup>10</sup>

**Sec. 2-55 Purpose.**

It is in the best interests of the City of Greenwood, Indiana, to enact this Division to encourage the service of citizens in government and its related functions and activities. (Ord. No. 90-31, § 1, 7-16-90)

**Sec. 2-56 Indemnification of Official Duties and Responsibilities.**

The City of Greenwood shall indemnify and defend its respective officers, appointees, employees, and agents, as those terms are herein defined, without expense to those persons, with respect to

<sup>7</sup> *I.C.*, 36-4-11-2, addresses suspension and removal by the Mayor of any officer, deputy, or employee; and *I.C.*, 36-4-11-3, addresses dismissal of deputies and employees.

<sup>8</sup> *I.C.*, 36-4-5-4, addresses appointments; and *I.C.*, 36-4-9-1 *et seq.*, address appointed officers.

<sup>9</sup> *I.C.*, 36-9-8 (b) (2) permits the Mayor to appoint a City Attorney; and *I.C.*, 36-4-9-11 and *I.C.*, 36-4-9-12, address qualifications of the City Attorney and his or her powers and duties.

<sup>10</sup> *I.C.*, 34-4-16.5, *I.C.*, 34-4-16.6-3, and *I.C.*, 34-4-16.7-2, address the City's role in providing a defense for City employees.

any action filed against them in their official or individual capacities, or both, if the action complained of was taken within the scope and arising out of the performance of official duties and responsibilities. (Ord. No. 86-31, § 2, 5-19-86)

**Sec. 2-57 Scope of Authority.**

Indemnification under this Section shall encompass any judgment recovered against any such officer, appointee, employee or agent in any court of law having jurisdiction thereof, arising out of a civil action brought to recover damages to persons or property resulting from alleged acts of negligence, wrongful acts or omissions of an officer, appointee, employee, or agent acting within the scope of his or her authority and official employment or appointment. (Ord. No. 86-31, § 3, 5-19-86)

**Sec. 2-58 Exceptions to Indemnification.**

The obligation to indemnify shall not extend to acts of malice, acts of a willful or wanton nature, criminal acts, acts calculated to accrue to the personal benefit of the individual officer, appointee, employee or agent, or acts which are clearly beyond the duties and/or scope of authority of such person. Exoneration by a court of law shall be conclusive as to the absence of malice, criminality and other such conditions. In the absence of such a judicial determination, a determination as to the presence of such conditions shall be made by the City Attorney and presented to the Common Council in the form of a written finding. The finding of the City Attorney shall prevail unless the Council within thirty (30) days of the receipt thereof passes a resolution rejecting the finding. (Ord. No. 86-31, § 4, 5-19-86)

**Sec. 2-59 Definitions.**

"OFFICERS, APPOINTEES, EMPLOYEES AND AGENTS", as used in this Section shall include the Mayor, Deputy Mayors, if any, Department Heads, members of all Boards and Commissions of the City, all elected or appointed officials of the City, all judges of the Greenwood City Court, members of the Common Council, directors or officers of a corporation organized solely for the purpose of acquiring, owning and holding in fee simple the land upon which a governmental building or buildings are to be erected, including the necessary equipment and appurtenances thereof, leasing the same to the City of Greenwood, Indiana, collecting the rentals thereof, and applying the proceeds thereof in a manner consistent with Indiana Public Law No. 57 of the Acts of 1981 (*I.C.*, 36-1-10), entirely without profit to the Corporation, its officers, directors, subscribers and members, if any, and all other employees of the City. (Ord. No. 90-31, § 2, 7-16-90)

**Sec. 2-60 Insurance Limitations.**

Nothing in this Division shall be construed to obligate an insurance company with which the City has a policy to provide any more or less coverage than that provided for by said insurance policy. (Ord. No. 86-31, § 6, 5-19-86)

**Sec. 2-61 through 2-64 Reserved for Future Use.**



**ARTICLE 8. EMPLOYEE BENEFITS.****Sec. 2-65 Scope of Benefits.** (Ord. 03-52, § 1, 12-1-03)

City employees shall be given the following benefits provided in this Article.

**Sec. 2-66 Definitions.** (Ord. 03-52, § 1, 12-1-03)

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

(a) Introductory Employee – A newly hired, full time employee must serve a “trial” period of one hundred eighty calendar days and a newly hired, full time employee in a sworn officer’s position or firefighter position must serve a “trial” period of twelve (12) months.

(b) Non-Exempt Employee – An employee paid on an hourly basis and eligible for premium overtime compensation as established by City policy and in compliance with various laws.

(c) Exempt Employee – An employee paid a predetermined annual salary and not eligible for premium overtime compensation as established by City policy and in compliance with various laws. Exempt employees may be eligible for compensatory time. Such employee is not eligible for premium overtime compensation. Elected Officials are not included within the definition of Exempt Employee.

(d) Premium Overtime Compensation – Money paid or compensatory time granted for overtime hours worked. If an employee receives money for compensation of overtime hours, the pay will be calculated at one and one half (1 1/2) times an employee’s hourly wage rate for the overtime hours.

(e) Compensatory Time – Leave time granted to an exempt employee for hours worked in excess of his/her regular 40 hour workweek.

(f) Overtime – Work performed beyond the forty (40) hours of actual work an employee has performed during his/her regular scheduled workweek.

(g) Workweek – The workweek consists of seven (7) consecutive calendar days beginning 12:00 midnight Sunday through 12:00 midnight the following Sunday.

(h) Full-Time Employee – An employee who is routinely scheduled for at least thirty-seven and one-half (37-1/2) hours per week and whose workweek consists of seven (7) consecutive days, except police officers and firefighters. Such employees are eligible for City offered benefits.

(i) Part-Time Employee – An employee who is routinely scheduled for less than thirty-seven and one-half (37- 1/2) hours per week and whose workweek consists of seven (7) consecutive days, except police officers and firefighters.

(j) Temporary/Seasonal Employee – An employee hired for a limited period of time, to perform specific tasks, whether paid by salary or by the hour, including seasonal employees. Employment may be extended beyond any initially stated period, however, this extension does not in any way imply a change in employment status.

(k) Authorized Excuse – Paid Time Off (PTO) Leave or any other leave that has been requested by the employee and approved by management within the Departmental or City established notification time.

(l) Operation That Is Staffed Seven (7) Days A Week – An operation that must schedule certain or all positions seven (7) days a week, 24 hours a day on a regular basis to provide services and/or maintain City facilities.

(m) Firefighters of the Greenwood Volunteer Fire Department - Members of the Greenwood Volunteer Fire Department who are not covered by the benefits set forth in this Article.

(n) Full-Time Firefighter – An employee of the Fire Department who has successfully completed a 12 month Introductory Period and is authorized to perform the job functions required of a firefighter and works a schedule consisting of a 28 day period.

(o) Sworn Police Officer – An employee of the Police Department who has successfully completed a twelve (12) month Introductory Period and is vested with the authority to detain, arrest, and search, and seize private or public property or persons by means of oath or affirmation under Indiana State law.

**Sec. 2-67 Longevity Pay.** (Ord. 03-52, § 1, 12-1-03)

(a) In computing the compensation to be received by full-time employees of the City, there shall be added to the wages of all such employees, longevity pay in an amount as set forth in the annual Salary Ordinance for each year of continuous service to the City.

(b) The longevity pay provided for in this Section shall be earned and paid as follows: Longevity shall be calculated on a pro rata basis from January 1<sup>st</sup> of each year, or the beginning of full time employment with the City for new employees, calculated to December 31<sup>st</sup> or an employee's termination date, whichever first occurs. Such pro rata longevity pay, and any overtime attributable thereto, shall be paid to the entitled employee no later than the February 15<sup>th</sup> following December 31<sup>st</sup> of that year, or within forty-five (45) days of the employee's termination date, whichever occurs first.

**Sec. 2-68 Holiday Policy.** (Ord. 03-52, § 1, 12-1-03)

(a) Eligibility: The City will grant paid holiday to full-time exempt/non-exempt employees and full time employees serving their introductory periods. Holiday leave is not applicable to Fire Department shift personnel.

(b). Mayor and Common Council to Establish Holidays. Paid holidays for full-time exempt and non-exempt employees who are not in a position that is staffed seven days a week shall be set by the Mayor and Common Council by resolution on or before the last meeting of each year for the forthcoming year for the holidays set forth in section (D).

(c) Recognized Holidays: For purposes of this Section, "actual holiday" shall mean New Year's Day - January 1, Memorial Day – the last Monday in May, Independence Day – July 4, Labor Day – First Monday in September, Thanksgiving Day – Fourth Thursday in November and the Friday immediately following the Fourth Thursday in November, Christmas Eve Day – December 24, Christmas Day – December 25, and New Year's Eve Day – December 31.

(d) Holidays For Operations Not Staffed Seven (7) Days a Week: For full-time exempt and non-exempt employees who are not in a position that is staffed seven days a week the City shall recognize the following holidays and number of days for pay purposes:

(1) New Years Day	(1 day)
(2) Memorial Day	(1 day)
(3) Independence Day	(1 day)
(4) Labor Day	(1 day)
(5) Thanksgiving Day	(2 days)
(6) Christmas Day	(2 days)
(7) New Year's Eve	(1 day)

(e) Holidays for Operations Staffed Seven (7) Days a Week: For full-time exempt and non-exempt employees who are in a position that is staffed seven (7) days a week the City and the employee shall recognize the actual holiday as his/her holiday for pay purposes.

(f) Additional Holidays: Additional holidays may be determined by the Mayor and Common Council.

(g) Compensation for Working on a Holiday: Additional compensation shall be provided for those employees required to work on a recognized holiday. Prior approval must be received from management to authorize the employee to work on the holiday.

(1) Holiday Hours: Holiday hours will begin at 12:00 a.m. and end at 12:00 p.m. of the day recognized as a holiday. An employee who is required to work the observed holiday will receive holiday compensation for all hours worked if the majority or at least half of the hours worked fall within the observed holiday. An employee shall not receive holiday pay if the majority of hours worked fall outside the recognized holiday.

(2) Operations Staffed Seven (7) Days a Week. A full-time exempt or non-exempt employee in a position that is staffed seven (7) days a week who is required to work on an actual holiday shall receive holiday pay equaling eight (8) hours at the employee's regular hourly rate and, in addition, shall receive compensation at twice the employee's regular hourly rate for the number of actual hours worked on the holiday. If the employee is required to work both the actual holiday and the recognized holiday, the employee shall receive holiday pay for only those hours worked on the actual holiday. There shall be no duplication or pyramiding of holiday pay for days recognized as holidays and the actual holiday. No other form of compensation, such as time off, is permitted.

(3) Operations Not Staffed Seven (7) Days a Week: A full-time exempt or non-exempt employee in a position that is not staffed seven (7) days a week who is required to work either on an actual or recognized holiday shall receive holiday pay equaling the number of hours set forth in the annual Salary Ordinance for the employee's position for the work week divided by five (5) at the employee's regular hourly rate and, in addition, shall receive compensation at twice the employee's regular hourly rate for the number of hours worked on the actual or recognized holiday. An employee who works both the actual holiday and the recognized holiday shall receive the premium compensation rate set forth above for the number of hours worked on the actual holiday and shall receive compensation at one and one-half ( 1 ½) times the employee's regular hourly rate for the number of hours worked on the recognized holiday. No other form of compensation, such as time off, is permitted. (Ord. No. 06-06, § 1, 3-20-06)

(4) Employee Absence the Day Before/After a Holiday: To receive holiday compensation for hours worked on the actual/recognized holiday or to receive holiday leave pay, an employee must work the day before and the day after or be on an approved/paid leave the day before or after a holiday. If a full-time exempt or non-exempt employee takes P.T.O. leave during a period in which a holiday occurs, said day shall be considered a holiday and not P.T.O. leave.

**Sec. 2-69 Paid Time Off Policy.** (Ord. 03-52, § 1, 12-1-03)

(a) Paid Time Off (PTO) (Not applicable to Fire Department shift personnel). The purpose of Paid Time Off (PTO) leave is to provide to eligible employees paid leave time without the loss of income for vacation, personal use, sickness, holidays, etc.

(1) Eligibility: All full-time exempt and non-exempt employees are eligible for PTO.

(2) Advanced PTO Leave: Under no circumstances shall an employee be allowed a deficit PTO balance.

(3) Carry Over: PTO leave should be used in the year it is granted; however, an employee may carry over a maximum of 80 hours unused PTO leave time from one year to the next.

(b) Accrual of PTO Leave

(1) New Employee (Applicable to Employees Hired On or After January 1, 2004): Upon completion of the employee's introductory period of 180 continuous calendar days, he/she shall accrue 13 hours of PTO leave. Such leave time shall accrue the first month following the completion of the employee's Introductory Period.

Thereafter, 13 hours PTO leave shall accrue for each month worked. The PTO leave must be used in the year in which it is accrued.

An employee may carry over a maximum of 78 hours unused PTO leave time while serving his or her first year of employment into the second year of employment.

(2) Three Years of Service: An employee having served three (3) years of continuous service shall accrue 160 hours of PTO leave in his/her third calendar year.

An employee whose hire date provides for the completion of his/her introductory period within the same year as his/her hire date shall have that year counted as his/her first year of service.

An employee whose hire date provides for the completion of his/her introductory period within the year following his/her hire date shall have the year the introductory period is completed counted as his/her first year of service.

(3) Ten Years of Service: An employee having served ten (10) years of continuous employment shall accrue two hundred (200) hours of PTO leave in his/her tenth calendar year.

(4). Fifteen Years of Service. An employee having served fifteen (15) years of continuous employment shall accrue two hundred forty (240) hours of PTO leave in his/her fifteenth calendar year.

(5). Determination of Calculation of Continuous Service: Additional PTO leave for continuous years of service shall accrue on a calendar year basis rather than an anniversary date basis. The employee shall accrue the additional PTO leave for continuous years of service on January 1 of the year in which the employee will complete the tenth (10<sup>th</sup>) or fifteenth (15<sup>th</sup>) year of service.

(c) Date of Availability of PTO Leave: PTO Leave shall be available for use the first pay period the year of the employee's anniversary date.

(d) Payment for PTO Leave: Pay for PTO shall be determined as follows:

(1) Exempt employee - no interruption in salary.

(2) Non-exempt employee - by multiplying the employee's current hourly rate times the number of hours of his/her approved leave taken.

(e) Use of PTO:

(1) PTO shall be taken in a minimum of one (1) hour increments. However, a City department may establish higher minimums i.e., 2 hours, 4 hours etc., as the needs of the operation dictate.

(2) An employee shall take his/her PTO within the year in which the leave is accrued. Any unused PTO hours shall not be paid or carried over to the following year.

(3) PTO leave cannot be taken in advance of having earned it.

(4) An employee shall not be permitted to receive PTO pay in lieu of PTO leave.

(f) Prior Approval Required for Use: An employee wishing to use PTO leave must submit a completed request form in advance of the requested date(s) to his/her supervisor for approval/disapproval. Management has the final right to approve/disapprove the use of PTO.

(g) Planned Absence: An approved leave is considered a "Planned Absence" for the purposes of this Section.

(h) Unplanned Absences Limited: Because of the need to ensure that there is appropriate staffing to meet the needs of the operations of the City, an employee is limited to six (6) unplanned absences per year. A leave by an employee that has not complied with required advance approval is considered an "Unplanned Absence" for the purposes of this Section. An employee who exceeds six (6) unplanned absences per year shall not be compensated for the time off and shall be subject to appropriate disciplinary action.

(i) Holiday Falling During a Scheduled PTO: If a paid holiday should fall on an approved PTO Leave for an employee who is not in a position staffed seven (7) days a week, that day shall be considered a holiday and not PTO Leave.

(j) Separation Payout:

(1) An employee who is separated from employment with the City shall be paid for unused PTO Leave. The payout shall be calculated on the employee's current hourly rate at the time of such lay off or separation of employment.

(2) In the event of an employee's death, the City shall pay to the employee's surviving spouse or estate, payment for the unused PTO Leave calculated on the employee's hourly rate at the time of death.

(3) An employee's termination date may not be extended to gain additional PTO Leave.

**Sec. 2-70 On the Job Injury and/or Occupational Disease Benefits.** (Ord. 03-52, § 1, 12-1-03)

(a) Any City employee who is injured on the job may receive worker's compensation and/or occupational disease benefits for loss of time from work as provided by State Law.

(b) When weekly compensation benefits and/or occupational disease benefits under State law are made to an exempt employee, such employee will receive the difference in the amount paid by the worker's compensation and/or occupational disease benefits and his or her regular salary for the same period of time, but not to exceed one hundred eighty (180) calendar days. When weekly compensation benefits and/or occupational disease benefits under State law are made to a non-exempt employee, such employee will receive the difference between the amount of the worker's compensation benefits and/or occupational disease benefits and the amount he would have received if he or she had worked the minimum number of hours per work week for his or her position as established by the annual Salary Ordinance for the same period of time, but not exceed one hundred eighty (180) calendar days.

(c) The benefits provided for under subsection (b) are not cumulative with those provided for under Section 2-71.

(d) When police or firefighter pension disability benefits under State law are made to a City employee who is injured on the job, the employee will receive the difference between the amount of the police or firefighter pension benefit and his or her salary for a period not to exceed ninety (90) calendar days. Such employee shall exhaust his or her benefits under Section 2-71 prior to the receipt of this benefit.

(e) This Section does not apply to any cases involving death to an employee by reason of an on-the-job injury.

**Sec. 2-71 Disability Leave and Sick Leave.** (Ord. 03-52, § 1, 12-1-03)

(a) Definitions. The following definitions will apply to this Section:

(1) Eligible Employee means a full-time exempt or non-exempt employee who has completed the Introductory Period of 180 calendar days.

(2) Qualified Employee means an eligible employee who has an occurrence of a serious injury or illness as defined herein.

(3) Serious Injury or Illness Which:

(a) is covered under the Family and Medical Leave Act (FMLA) or requires hospitalization;  
or

(b) is of sufficient severity to render the employee of the City unable to perform his or her essential duties for a minimum period of forty-eight working hours; or

(c) arises from an on-the-job injury.

(b) Length of Leave: A qualified employee shall be granted up to a maximum leave of ninety (90) calendar days with pay each calendar year for any occurrence or occurrences of a serious injury or illness as defined in this policy.

(c) Compensation: A qualified employee shall be paid during any and all injuries or illnesses suffered by the employee, subject to the provisions of this Section. The qualified employee shall be compensated for a maximum period of ninety (90) calendar days each calendar year.

(d) Use of Leave

(1) Leave Calculated on a Calendar Day Basis: Once a disability leave begins, the disability leave days are used on a continuous calendar day basis for as long as the employee is unable to perform his duties. These days shall be non-cumulating from calendar year to calendar year.

(2) Intermittent Use: Disability Leave may be used intermittently when a qualified employee is unable to perform his or her essential job duties due to an injury or illness and is on Family and Medical Leave or light duty pursuant to City policy. Such intermittent leave shall be taken in minimal increments of half of the employee's regularly scheduled work day hours.

(3) Year End Disability Leave: If, with less than ninety (90) days left in the calendar year, a qualified employee sustains a serious injury or illness which disables the employee for more than the number of days remaining in the calendar year, the number of days the employee is unable to work during the next calendar year shall be assessed against the ninety (90) day disability period for the second year. However, when a serious injury or illness extends from the end of one calendar year to the beginning of the next calendar year, the total number of days that the employee may be compensated for disability leave or sick leave may not exceed ninety (90) days for the single serious injury or illness.

If an employee has used his or her ninety (90) calendar days of Disability Leave before the end

of the year and the occurrence of the illness or injury continues into the next year. the employee is not eligible for another ninety (90) calendar days of Disability Leave for the same occurrence.

(4.) No Carry-Over. The balance of unused Disability Leave shall not carry over from one calendar year to the next calendar year.

(e) Hours During Which Employee is Unable to Work Need not be Consecutive. The hours during which a qualified employee is unable to work due to a single serious injury or illness do not need to be consecutive for the employee to receive disability leave compensation covering all the hours of missed work. If an employee utilizes PTO leave or other benefits in lieu of disability leave days for an injury or illness that is later determined to be a serious injury or illness as defined in this Section, the PTO leave or other benefits used earlier must be reinstated and disability leave days be used.

(f) The benefits provided for under this Section are not cumulative with those provided for under Section 2-70(b).

(g) Approval Process. In order to be eligible for disability pay, a qualified employee must present a physician's certificate stating that the employee is physically unable to perform required duties because of the serious injury or illness, stating the diagnosis, and stating the approximate date of return. The employee may be required at the City's expense to furnish one (1) or more additional physician's certificates from, or to submit to medical examination by, a physician chosen by the City.

(1) Foreseeable Event. When a medical event or circumstance is foreseeable, an employee must give at least thirty (30) days notice of the need for a leave before the date of the requested leave by contacting his or her Supervisor, Department Head or the Human Resources Department.

(2) Unforeseeable Event: When a medical event or circumstance is not foreseeable, an employee must give notice of the need for a leave within two (2) days after learning of the need by contacting his or her supervisor, Department Head or Human Resources Department. If it is determined by the Mayor, Board of Public Works and Safety, or the Department Head acting on behalf of the City, that adequate proof has not been given to the City to show that the employee has suffered a serious injury or illness, then the City may reject the employee's claim and the employee will not be paid for any time off under the above conditions.

(3) Periodic Reporting. A qualified employee may be required to report periodically during the disability leave on the employee's leave status and the employee's intention to return to work.

(h) Failure to Comply. An employee who fails to notify his or her supervisor in a timely manner, who fails to timely submit, or to submit, required certification and information, or who fails to follow any procedure that may be established by the City to implement and administer this Section may be denied authorized paid leave.

(i) Leave Extension. The disability leave will be authorized for a period not to exceed six (6) months' duration. Nothing in this provision will be construed, however, to provide for the payment of compensation during the disability leave in excess of a ninety (90) calendar day period.



(j) Failure to Return on Established Return Date. Any employ who fails to return to work at the end of the disability leave period may be considered to have resigned from employment.

(k) Reinstatement of PTO Leave Taken. A qualified employee who has taken PTO leave that is later determined to be a serious injury or illness as defined in this Section shall have the PTO leave reinstated and disability leave days used in its place.

(l) Disability Leave Concurrent with Family and Medical Leave. Leave and benefits taken pursuant to this Section, at the election of the employee, may be taken concurrently with Family and Medical Leave under Section 2-72, unless the injury or illness or disability does not qualify under Family and Medical Leave.

**Sec. 2-72 Family and Medical Leave.** (Ord. 03-52, § 1, 12-1-03)

The following provisions are necessary and appropriate to provide employees required leave time for certain medical reasons and for the care of family, in accordance with the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. §2601 et seq.

(a). Eligibility: An employee who has worked for the City for twelve (12) months and who has worked at least 1,250 hours in the past twelve (12) months is eligible for Family and Medical Leave Act (FMLA) leave for the following.

- (1) The employee's injury or illness;
- (2) The birth, adoption or foster placement of an employee's child;
- (3) The care of an immediate family member with a serious illness or injury.

Any leave taken by an employee for one or more of these reasons shall be counted against that employee's FMLA leave year entitlement.

(b). Length of Leave and Calculation:

(1) An eligible employee shall be allowed up to a maximum of twelve (12) weeks of leave within a twelve (12) month period.

(2) For purposes of calculating or determining an employee's entitlement for subsequent FMLA leaves, the "12 month period" is measured forward from the date when the employee's previous FMLA leave began.

(c). Compensation: An eligible employee may be compensated while on FMLA leave pursuant to the various leave policies of the City such as:

(1) Disability Leave: Leave for his/her own illness or injury, the employee at his/her election may use any unused Disability Leave pursuant to the leave policy for compensation while on the FMLA leave.

(2) PTO Leave: An employee may elect to use PTO Leave for pay purposes when he/she has exhausted his/her Disability Leave bank.

(d). Leave Extension: An extension to a FMLA leave may be granted as long as the extension does not take the leave beyond a maximum of a total of twelve (12) weeks. Any extension requested beyond the maximum twelve (12) weeks FMLA leave may be granted pursuant to the Disability Leave Policy. However, the leave shall not be under the protection of FMLA.

(e). Use of Leave:

(1) Intermittent or Reduced Hours Leave: For an employee's own illness or injury or the care of an immediate family member (spouse, parent or dependent child) with a serious illness/injury, an employee may take leave intermittently or on a reduced hours schedule, if the schedule does not unduly disrupt the City's operation and is acceptable by the attending Health Care Provider. An employee who takes intermittent leave or reduced hours may be temporarily transferred to another position for which the employee is qualified.

(2) Combined Twelve (12) Weeks Leave: If both husband and wife are employees of the City, management will grant a total of twelve (12) weeks of leave between the two (2) employees for the birth or adoption of a child or to care for an employee's parent. Such leave for the birth or adoption must end within twelve (12) months after the date of birth or the date of placement.

(f) Medical Benefits:

(1) Employee's Responsibility: An employee is responsible for making his/her insurance contributions through either payroll deductions or by making payments to the City for his/her portion of the premium. Failure to make such payments during the leave will result in the loss of health coverage.

(2) Repayment of Insurance Premium: If an employee fails to return to work after the expiration of the FMLA leave such employee may be required to reimburse the City for the premiums paid while the employee was on the leave according to FMLA.

(g). Approval Process:

(1) Employee Notice Requirements:

a. Foreseeable Event: When a medical event/circumstance is foreseeable, an employee must give the City at least a thirty (30) day notice of the need for a leave before the date of the requested leave by contacting his/her supervisor and completing the necessary paperwork in the Human Resources Department.

b. Unforeseeable Event: When a medical event/circumstance is not foreseeable, an employee must give notice of the need for a leave within two (2) working days of learning of the need by contacting his/her supervisor or the Human Resources Department. The supervisor will ensure timely notification of the Human Resources Department to ensure the appropriate paperwork is completed.

c. Failure to Comply: Failure of an employee to notify his/her supervisor or the Human Resources Department in a timely manner or to submit the certification without appropriate information or in a timely manner may result in delays in authorizing the leave.

(2) Required Certification Within Fifteen (15) Days:

a. An employee requesting a FMLA leave will be required to submit a certification from his/her Health Care Provider supporting the need for the leave. Such certification must be presented to the Human Resources Department within fifteen (15) days from the date the employee makes the request for the leave.

b. Failure to Comply: If the Human Resources Department does not receive the certification, the leave will not be covered under the FMLA.

c. Failure to Comply: Failure of an employee to notify his/her supervisor or the Human Resources Department in a timely manner or to submit the certification without appropriate information or in a timely manner may result in delays in authorizing the leave.

(3) Periodic Reporting/Re-certification:

a. The City may require an employee on a FMLA Leave to submit periodic reporting and re-certification of his/her status, intent to return to work and approximate date of return.

b. Failure to furnish subsequent re-certification or reports will result in termination of the employee's right to the leave.

(h) Employee's Return to Work: Any employee who completes a period of FMLA leave will be returned either to the same position the employee was in prior to the leave, or to a position equivalent in pay, benefits, and other terms and conditions of employment.

**Sec. 2-73 Bereavement Leave.** (Ord. 03-52, § 1, 12-1-03)

(a) Eligibility. A full-time exempt or non-exempt employee is eligible for Bereavement Leave.

(b) Approval Process. An employee desiring to use such leave must contact his or her supervisor or Department Head and request bereavement leave.

(c) Length of Leave, Death of Spouse or Child. In case of death of an employee's spouse or child, the employee shall be allowed, with full pay, up to five (5) working days leave, if needed, following the date of such death.

(d). Length of Leave, Death in Immediate Family. In case of death in the employee's immediate family, the employee shall be allowed, with full pay, up to three (3) working days leave, if needed, following the date of such death, if the employee attends the funeral. The immediate family is defined to include mother, father, brother, sister, grandmother, grandfather, grandson, granddaughter, step-mother, step-father, step-brother, step-sister, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law of the employee, or other relative of the employee who is residing with the employee.

(e). Length of Leave, Death in Non-Immediate Family. In case of death in the employee's non-immediate family, the employee shall be allowed with pay one (1) working day's leave, if needed, following the date of such death, if the employee attends the funeral. The non-immediate family is defined to include aunt, uncle, great-aunt, great-uncle, niece, nephew, great-niece, great-nephew, step-grandmother, or step-grandfather of the employee or the employee's spouse.

(f) Additional Time Off. Additional time off for the employee to travel to and from the service site and to perform other necessary funeral duties may be granted upon request at the discretion of the employee's supervisor or Department Head, but shall be charged against the employee's unused PTO or shall be leave without pay.

(g). Documentation. Management may require appropriate documentation justifying the requested leave.

**Sec. 2-74 Maternity Leave.** (Ord. 03-52, § 1, 12-1-03)

For purpose of this Article, pregnancy may be a disability which shall be governed by provisions of Section 2-71; provided, however, that as in all cases of disability, the City shall be responsible to pay leave only for that period during which an employee is unable to perform the employee's duties.

**Sec. 2-75 Other Leaves of Absence.** (Ord. 03-52, § 1, 12-1-03)

Any other leave of absence, such as a leave to run for or hold public office or a military leave of absence, shall be granted to full-time employees who have completed an introductory period only upon written request to the Department Head, which request must be approved on a yearly basis by the Mayor and Board of Public Works and Safety. This leave must be renewed annually until such time as the employee returns to work. During such leave the employee will accumulate no benefits provided in this Article and receive no pay. The employee's benefits shall be frozen as of the beginning date of such leave. The employee's benefits provided by this Article will begin to accrue from the point at which it was frozen once said employee has returned to work on a full-time basis. Any conflicts between this Section with regard to military leaves shall be resolved in accordance with the superseding State and Federal laws.

**Sec. 2-76 Jury Duty and Witness Duty.** (Ord. 03-52, § 1, 12-1-03)

(a) Any full-time exempt, non-exempt, or introductory employee who is required to serve on jury duty or to testify as a non-party witness before an adjudicative body shall be compensated as follows:

(1) A full-time non-exempt employee shall receive the difference between the amount he or she received for serving on jury duty, or that he or she received for testifying as a witness, and the amount

he or she would have received at work that day based upon the number of hours per work week as established by the annual Salary Ordinance for his or her position.

(2) A full-time exempt employee shall receive the difference between the amount received for serving on jury duty or testifying as a witness and said employee's salary for the jury service or testimony period.

(b) An employee summoned for jury duty or subpoenaed to testify as a non-party witness before an adjudicative body should notify his or her Department Head immediately and should report to work anytime he or she is not engaged in jury or witness activities.

(c) An employee summoned for jury duty or subpoenaed to testify as a non-party witness before an adjudicative body may request of the Clerk-Treasurer his or her full pay upon the execution of a written agreement to pay jury duty compensation or witness compensation, excluding mileage and/or meal reimbursement over to the City within ten (10) days of the receipt of his or her jury duty compensation or witness compensation. The employee shall present a copy of his or her jury duty compensation voucher or witness compensation voucher or other verification from the Court showing the amount of his or her jury duty compensation or witness compensation prior to his or her receipt of his or her full pay.

**Sec. 2-77 Personal Leave.** (Ord. 03-52, § 1, 12-1-03)

Short term absences from scheduled work hours for personal reasons may be approved at the discretion of the Department Head in which the employee is working. Such leave shall be unpaid and shall not exceed twelve (12) months .

**Sec. 2-78 Overtime Policy.** (Ord. 03-52, § 1, 12-1-03)

(a) Full-time exempt employees who are excluded from the overtime provisions of the Fair Labor Standards Act of 1938, as amended, (hereinafter "FLSA") 29 U.S.C. 201, *et seq.*, shall receive no overtime pay; instead, they will be allowed to have compensatory time off for all hours worked in excess of forty (40) hours per week. However, during work weeks where an actual work week of forty (40) hours is not possible because the work week includes a paid holiday or holidays set by the Mayor and Common Council, all exempt employees excluded from the overtime provisions of the FLSA shall be allowed compensatory time off for hours worked in excess of a regularly scheduled work day. Said compensatory time must be taken by an employee within a six (6) month period from the date said time occurred. This compensatory time shall be taken only when approved by a Department Head, who shall adjust time off in order to provide for continuous and efficient department operations.

(b) All non-exempt employees not exempt or excluded from the overtime provisions of the FLSA shall be paid one and one-half (1-1/2) times their regular hourly rate as defined in the FLSA for hours worked in excess of forty (40) hours during the work week. However, during work weeks where an actual work week of forty (40) hours is not possible because the work week includes a paid holiday or holidays set by the Mayor and Common Council, all non-exempt employees not excluded from the overtime provisions of the FLSA shall be paid one and one half (1-1/2) times their hourly rate as defined in the FLSA for hours worked in excess of a regularly scheduled work day. The Department Head shall be required to keep accurate records in order to follow the above guidelines.

(c) All employees falling within the 7(k) provisions of the FLSA shall be paid one and one-half (1-1/2) times their regular hourly rate as defined in the FLSA for hours worked in excess of the maximum hours allowed for their established work week.

**Sec. 2-79 Newly-Hired Employees.** (Ord. 03-52, § 1, 12-1-03)

In its effort to maintain a highly qualified staff of employees, it is the City's policy to require a newly-hired employee to complete an Introductory Period of at least one hundred eighty (180) calendar days. Such Introductory Period requirement does not include Firefighters or Sworn Police Officers.

Because of the extensive training and specialization of the Fire Department and Police Department, it is the City's policy to require a newly-hired Firefighter or Sworn Police Officer to complete an introductory Period of twelve (12) months.

**Sec. 2-80 Payroll.** (Ord. 03-52, § 1, 12-1-03)

All new City employees hired as of January 1, 1996, shall be paid one (1) week in arrears.

**Sec. 2-81 Deferred Compensation.** (Ord. 03-52, § 1, 12-1-03)

(a) The deferred compensation plan was established for City employees, or elected or appointed officials who receive compensation from the City, as defined by IC 5-10-1.1-2, on September 30, 1993, effective January 1, 1994. The actions of the Board of Public Works and Safety in this regard are ratified.

(b) The Board of Public Works and Safety shall appoint an individual or committee to monitor investments, select one or more administrators for the plan, and make recommendations to the Board of Public Works and Safety, based upon the following minimum requirements:

(1) Any Company ("Company") shall have been in business for at least five (5) years, shall be a company that is traded on the national markets, and is rated "AA" or "AAA" by national rating services such as A.M. Best, Moody's or Standard & Poor's, or must be a company that is wholly owned by such a company;

(2) The Plan must allow participants to move funds from one investment vehicle to another at periodic intervals during any calendar year;

(3) The Plan must offer a diversity of investment vehicles allowing participants to select investments based upon level of risk, type of investment, historical performance, maturity and other factors;

(4) The Plan and Plan Administrator shall avoid "speculative" investments;

(5) The Plan must meet all state and federal requirements;

(6) The Plan must provide for at least a quarterly report to the participating employee, accounting for all amounts deposited, all earnings upon such deposits, and identifying the participant's current investments;

(7) Prospectuses must be provided for all investment options that are required by state or federal law to offer them, prior to investments being made;

(8) Enrollment and other administrative tasks will be handled by the Clerk-Treasurer or the Plan Administrator;

(9) The Company shall agree to apply monies received to each individual's account;

(10) The Company shall agree that all information concerning the Plan and participating employees shall remain confidential and not be used by the Company or transmitted to others for any purpose whatsoever, except as required to implement the Plan;

(11) The Plan shall provide equal access to enrollment for all eligible employees; all promotional materials, marketing formats and techniques, etc., subject to City's approval;

(12) The Plan Administrator or City shall maintain payment agreements, beneficiary designation forms and other documents for all participating employees; and

(13) The Plan Administrator shall provide City with periodic reports indicating general condition of Plan, including participation levels, deferrals (by option) asset values, net increase and decrease in values withdrawals and other reasonable information as requested by City.

The Board of Public Works and Safety shall periodically evaluate Company and shall choose a new Company whenever the Board of Public Works and Safety determines the same is desirable.

(c) Any compensation deferred under this Plan shall continue to be included as regular compensation for the purpose of computing the retirement and pension benefits earned by any employee, and may not effect a reduction of any retirement, pension, or other benefits.

(d) Nothing contained herein shall be deemed to constitute an employment contract or to authorize any City official or employee to enter into such a contract, or to give any employee any right to be retained in the employ of the City.

(e) Said Plan shall be amended to comply with the federal Internal Revenue Code in all appropriate respects.

(f) The City may terminate or amend the terms of the Plan at any time with no liability to any participant; however, such termination or amendment shall not affect the rights of a participant or beneficiary to the receipt of benefits with respect to compensation deferred prior to termination or amendment.

**Sec. 2-82 Qualified Retired Employees' and Spouses' Participation in Group Health Insurance Program.** (Ord. 03-52, § 1, 12-1-03)

(a) Board of Public Works and Safety Resolution No. 89-4, allowing retired employees and their spouses meeting the conditions set forth in the state law to participate in the City's group health insurance program completely at their own expense, is ratified except to the extent it is inconsistent with this ordinance.

(b) The City will pay fifty percent (50%) of the monthly group health insurance premium for a retired employee of the City of Greenwood who retires after December 31, 1998 and is at least fifty-five (55) years of age at retirement for a PERF-eligible (non-public safety) employee, and at least fifty-two (52) years of age at retirement for a public safety employee, except that Robert Dine, Gary Neeman, and David Payne, who are members of the 1925 Police Pension Fund and will therefore be eligible under State law to draw pensions before age fifty-two (52), will be eligible under this ordinance at that time if the other requirements are satisfied; and who has given the City at least twenty years of continuous full-time service; until the retired employee becomes eligible for Medicare Part A coverage.

(c) If the spouse of a retired employee meeting the conditions set forth in paragraph (b) above chooses to participate in the City's group health insurance program, the City will also pay fifty percent (50%) of the additional cost of the monthly premium incurred as a result of the spouse's participation, until the retired employee becomes eligible for Medicare Part A coverage. If the retired employee's spouse becomes eligible for Medicare Part A coverage or obtains access to health insurance through employment or remarriage, or if the retired employee and his or her spouse divorce before the retired employee becomes eligible for Medicare Part A coverage, the City's payment of fifty percent (50%) of the portion of the premium for the spouse will terminate upon the occurrence of the terminating event. If the retired employee dies before becoming eligible for Medicare Part A coverage, the City's payment of fifty percent (50%) of the portion of the premium for the spouse will terminate two (2) years after the date of the retired employee's death, or upon the occurrence of one of the terminating events set forth in the previous sentence, whichever is earlier.

(d) The City reserves the right to repeal or amend this ordinance and the Greenwood Municipal Code section created herein at any time, and this ordinance is not intended to create any vested rights. Nothing contained herein shall be deemed to constitute a contract or to authorize any City official or employee to enter into such a contract.

(e) In addition to the terminating events specified above, a retired employee's or spouse's eligibility to participate in the City's group health insurance program and to have the City pay fifty percent (50%) of the premium will terminate if and when the City ceases to provide a group health insurance program for active employees, and if and when the retired employee or spouse is ten (10) business days late with his or her portion of the premium payment. The premium is payable monthly on the twentieth (20<sup>th</sup>) day of the month."

**Sec. 2-83 Public Safety Employees to Meet and Confer with the City of Greenwood Regarding Salaries, Wages and Benefits.** (Ord. 03-52, § 1, 12-1-03)

(a) As used in this ordinance, the following terms shall have the following meanings:

(1) Discussion team shall mean three (3) representatives of the City of Greenwood designated by the Common Council of the City of Greenwood, and may include council members.

(2) Employee shall mean a full-time employee of the police or fire department. The term does not include a person in an upper level policymaking position (as defined in IC 36-8-1-12).

(3) Employee organization means an organization of not less than three (3) nor more than five (5) members that includes employees as members and has a primary purpose to represent the members of the organization on issues concerning salaries, wages and benefits.



(4) Recognized representative means an employee organization selected under Section 2 of this ordinance.

(5) Benefits means work period, merit system, holiday policy, vacation policy, on the job injury and/or occupational disease benefits, disability leave and sick leave, bereavement leave, maternity leave, other leaves of absence, jury duty, personal leave, deferred compensation, group health insurance program, qualified retired employees' and spouses' participation in group health insurance program, and life insurance program.

(b) After August 31, 1999, and after August 31<sup>st</sup> of each year thereafter, the City shall conduct an election administered by the Clerk-Treasurer if fifty-one percent (51%) of the employees of the City sign a petition requesting an election to determine a recognized representative. The election shall be conducted at least thirty (30) but not more than sixty (60) days after the employer receives a petition under this subsection.

An employee organization is the sole recognized representative of the employees of the City if it receives more than fifty percent (50%) of the votes cast in an election under subsection (a).

(c) It is the purpose of this Section to promote full communication between the City and its public safety employees concerning questions of salaries, wages and benefits of public safety employees. It is also the purpose of this Section to improve relations between the City and its employees.

All employees have the right to meet and freely assemble to discuss their interests as employees pursuant to this Section and to assist the employee organization created by this Section.

(d) An employee organization or the recognized representative of the employees of the City that elects to meet and confer with the discussion team of the City must notify the City in writing that the employee organization intends to exercise its rights under this Section.

Except as provided by Section 6 of this ordinance, upon receipt of written notice under subsection (a), the discussion team of the City shall meet and confer, at reasonable times, including meeting in advance of the budget making process, in good faith with the employee organization, or with the recognized representative if a recognized representative has been elected under this ordinance, to discuss issues and proposals regarding salaries, wages and benefits.

If an understanding is reached between the parties under subsection (b), the parties shall execute a written memorandum of understanding incorporating the terms of the understanding. At the request of either party, a memorandum of understanding must provide procedures for the settlement of questions arising under the memorandum of understanding.

(e) As used in this section, "deficit financing" means expenditures that exceed the money legally available to the employer in any budget year.

The City may not enter into a memorandum of understanding under Section 4 of this ordinance that will place the City in a position of deficit financing. A memorandum of understanding is voidable to the extent that the City must engage in deficit financing in order to comply with the terms of the memorandum.

(f) The City is not required to meet and confer with an employee organization under this ordinance unless the employee organization has notified the City in writing that the employee organization elects to exercise its rights under this ordinance.

Notwithstanding any provision of this chapter, the City may elect to terminate its duty to meet and confer under this ordinance if:

(1) after meeting and conferring with an employee organization under Section 4 of this ordinance, the City and the employee organization are unable to reach a written memorandum of understanding under this ordinance;

(2) more than fifty percent (50%) of the members of the Common Council of the City of Greenwood vote to terminate the employer's duty to meet and confer under this ordinance and written notice of the action of the Greenwood Common Council is given to the employee organization.

(g) An employee or recognized representative may not participate in a strike against the City. An employee engaging in a strike is subject to discharge by the City as provided in IC 36-8-3-4.

A recognized representative that engages in or sanctions a strike loses the right to represent the employees for one (1) year from the date of the action.

The City may not pay an employee for days the employee was engaged in a strike.

(h) The term of any written memorandum of understanding entered into under this ordinance may not exceed twenty-four (24) months.

(Ord. 03-52, § 1, 12-1-03)

**Sec. 2-84 through 2-89 Reserved for Future Use.**

**ARTICLE 9. FUNDS ESTABLISHED.****Division I. Specific Funds.****Sec. 2-90 Law Enforcement Continuing Education Fund.**

(a) Pursuant to *I.C.*, 9-29-11-1, there is established a non-reverting Law Enforcement Continuing Education Fund.

(b) Said fund shall be under the control of the Board of Public Works and Safety and be subject to the following conditions:

(1) All monies received from accident report fees shall be deposited therein.

(2) All disbursements from said fund shall be for the purposes provided by state law and shall be payable upon proper claim(s) being filed and approved.  
(Ord. No. 06-25, § 2, 9-6-06)

**Sec. 2-91 Athletic and Recreation (SNR) Fund.** <sup>11</sup>

(a) Insofar as possible, Park and Recreation facilities and programs shall be available to the public free of charge; but where necessary to provide a particular activity, the Park and Recreation Board may charge a reasonable fee. (Ord. No. 75-25, § 1, 12-15-75)

(b) Monies procured from such activities shall be deposited at least once each month with the Clerk-Treasurer of the City of Greenwood, Indiana. (Ord. No. 75-25, § 2, 12-15-75)

(c) The Clerk-Treasurer shall deposit such monies in a special non-reverting operating fund designated as "Athletic and Recreation Fund". (Ord. No. 75-25, § 3, 12-15-75)

(d) Expenditures may be made from the Athletic and Recreation Fund upon appropriation by the Greenwood Park and Recreation Board. (Ord. No. 86-29, § 1, 5-19-86)

(e) Monies in the form of fees procured from golf courses, swimming pools, skating rinks or other similar facilities requiring major expenditures for management and maintenance shall not be deposited in this fund. (Ord. No. 75-25, § 5, 12-15-75)

(f) Monies from the Athletic and Recreation Fund shall be disbursed only on approved claims allowed and signed by the President and Secretary of the Park and Recreation Board of the City of Greenwood, Indiana. (Ord. No. 75-25, § 6, 12-15-75)

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<sup>11</sup> *I.C.*, 36-10-3-22, addresses, expenditures and appropriations of monies received as fees from Parks and Recreation Department Programs.

**Sec. 2-92 Aviation Operating Fund.** <sup>12</sup>

(a) The Greenwood Common Council establishes and affirms an Aviation Operating Fund, separate and distinct from other City of Greenwood Funds to include such accounts as needed and in the future may establish other funds as needed for the acquisition, establishment, construction, improvement, maintenance, control, lease, and regulation of a municipal airport. (Ord. No. 85-31, § 1, 6-17-85)

(b) The Clerk-Treasurer shall open a separate bank account for the Greenwood Board of Aviation Commissioners (BOAC) and it shall include the Aviation Operating Fund and whatever fund in the future may be established, and may be an interest-bearing account. (Ord. No. 85-31, § 2, 6-17-85)

(c) The Aviation Operating Fund shall have as its purpose to receive monies presently from the federal, state and local share of the monies for the master plan and environmental assessment and in the future for the acquisition, establishment, construction, improvement, maintenance, control, lease, and regulation of a municipal airport from any source for the Aviation Department of the BOAC. (Ord. No. 85-31, § 3, 6-17-85)

(d) The disbursement of any monies from said fund shall be approved by the BOAC and in accordance with the claims-paying procedure established by *I.C.*, 36-4-8-7. (Ord. No. 85-31, § 4, 6-17-85)

**Sec. 2-93 Cash Change Funds for the Parks and Recreation Department.**

(a) The Head of the Parks and Recreation Department is permitted to have a cash change fund in the sum of One Hundred Dollars (\$100.00). (Ord. No. 90-42, § 1, 8-20-90; Ord. No. 94-57, § 1, 12-19-94)

(b) The Pool Manager in the Parks and Recreation Department is permitted to have a cash change fund in the sum of Twenty-Five Dollars (\$25.00). (Ord. No. 90-42, § 2, 8-20-90)

(c) The Clerk-Treasurer is authorized to issue the warrants necessary in the appropriate fund in favor of the Head of the Parks and Recreation Department and the Pool Manager without need of an appropriation. (Ord. No. 90-42, § 3, 8-20-90)

(d) The Head of the Parks and Recreation Department and the Pool Manager shall use the cash change fund to make change when collecting cash revenues and shall account for it in the same manner as is required of other City funds. (Ord. No. 90-42, § 4, 8-20-90)

(e) Whenever there is a change in the custodian of a cash change fund or the fund is no longer needed, the entire cash change fund shall be returned to the appropriate City fund. (Ord. No. 90-42, § 5, 8-20-90)

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<sup>12</sup> *I.C.*, 8-22-2-4, *I.C.*, 8-22-2-5, and *I.C.*, 8-22-2-7, address powers of the Board of Aviation Commissioners and separate and distinct accounts.

**Sec. 2-94 Cumulative Capital Development Fund.** <sup>13</sup>

(a) There is re-established a Greenwood Cumulative Capital Development Fund. (Ord. No. 92-42, § 1, 8-17-92)

(b) An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Greenwood Cumulative Capital Development Fund. (Ord. No. 92-42, § 2, 8-17-92)

(c) The maximum rate of levy under subsection (b) will not exceed:

(1) \$.05 per \$100.00 Assessed Valuation for 1993.

(2) \$.10 per \$100.00 Assessed Valuation for 1994.

(3) \$.15 per \$100.00 Assessed Valuation for 1995. (Ord. No. 92-42, § 3, 7-17-92)

(d) The Greenwood Cumulative Capital Development Fund is re-established for the years 1993, 1994, and 1995. (Ord. No. 92-42, § 4, 8-17-92)

(e) The funds accumulated in the Greenwood Cumulative Capital Development Fund will be used for any of the following:

(1) for the improvements and purposes as described in *I.C.*, 8-16-3 (Cumulative Bridge Fund);

(2) for the improvements and purposes as described in *I.C.*, 13-3-3-89 (Cumulative Maintenance Fund - Channel Improvements);

(3) for the improvements, purposes and equipment as described in *I.C.*, 36-8-14 (Cumulative Firefighting Building, Equipment, Police Radio Fund);

(4) for the capital improvements and purposes as described in *I.C.*, 36-9-16-2 (Cumulative Building Fund);

(5) for the capital improvements and purposes as described in *I.C.*, 36-9-16-3 (Cumulative Capital Improvement Fund);

(6) for the purposes and improvement of public ways and sidewalks as described in *I.C.*, 36-9-16.5-2 (Cumulative Street Fund);

(7) for the improvements and purposes as described in *I.C.*, 36-9-17 (General Improvement Fund);

(8) for the improvements and purposes as described in *I.C.*, 36-9-26 (Cumulative Building Fund - Sewers);

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<sup>13</sup> *I.C.*, 36-9-15.5, permits the establishment of a Cumulative Capital Development Fund.

(9) for the capital improvements and purposes as described in *I.C.*, 36-10-3-21 (Cumulative Building Fund - Parks);

(10) for the capital improvements and purposes as described in *I.C.*, 36-10-4-36 (Cumulative Sinking and Building Fund - Parks);

(11) for the improvements and purposes as described in *I.C.*, 8-22-3-25 (Cumulative Building Fund - Airports);

(12) for the improvements and purposes as described in *I.C.*, 13-2-31-26 (Cumulative Building Fund - Levees);

(13) for the improvements and purposes as described in *I.C.*, 16-12.2-5-32 (Cumulative Hospital Building Fund);

(14) for the improvements and purposes as described in *I.C.*, 36-9-4-48 (Cumulative Transportation Fund - Buses);

(15) for the improvements and purposes as described in *I.C.*, 36-9-27-100 (Cumulative Drainage Fund). (Ord. No. 92-42, § 5, 7-17-92)

(f) Notwithstanding subsection (e), funds accumulated in the Greenwood Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in subsection (e), if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this Section only after the Mayor issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund. (Ord. No. 92-42, § 6, 7-17-92)

(g) This fund takes effect upon approval of the State Board of Tax Commissioners. (Ord. No. 92-42, § 7, 7-17-92)

#### **Sec. 2-95 Petty Cash Funds for Various City Departments.** <sup>14</sup>

(a) The following positions in the City of Greenwood are permitted to have a petty cash fund in the amount set forth:

(1) Head of Street Department	\$100.00
(2) Head of Police Department	\$100.00
(3) Head of Sanitation - Field Operations	\$100.00
(4) Head of Sanitation - Administration	\$100.00
(5) Head of Fire Department	\$100.00

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<sup>14</sup> *I.C.*, 36-1-8-3, authorizes the establishment of petty cash funds.

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|------|--|----------|
| (6)  | Mayor  | \$ 50.00 |
| (7)  | Clerk-Treasurer  | \$ 50.00 |
| (8)  | Head of Parks and Recreation<br>(Ord. No. 94-56, § 1, 12-19-94)  | \$ 50.00 |
| (9)  | Head of Planning Department<br>(Ord. No. 88-7, § 1, 3-7-88; Ord. 01-52, §1, 11-19-01)                              | \$100.00 |
| (10) | Head of Engineering Department<br>(Ord. No. 88-26, § 1, 6-6-88)  | \$100.00 |
| (11) | Mayor as Chairperson and Head of<br>the Board of Public Works and Safety<br>(Ord. No. 88-78, § 1, 12-5-88)         | \$ 50.00 |
| (12) | Manager of the Greenwood City Pool<br>(Ord. No. 89-19, § 1, 6-19-89)   | \$ 50.00 |
| (13) | Superintendent of Fleet Maintenance Department<br>(Ord. No. 91-2, § 1, 2-18-91)                                    | \$ 50.00 |
| (14) | Cashier – Office Assistant of the Parks and<br>Recreation Department SNR Accounts<br>(Ord. No. 93-9, § 1, 3-15-93) | \$ 25.00 |
| (15) | Judge of the City Court as Head of the Adult<br>Probation Department (Ord. No. 04-14, § 1, 6-7-04)                 | \$ 50.00 |
| (16) | City Attorney as Head of the<br>Legal Department (Ord. No. 04-14, § 1, 6-7-04)                                     | \$ 50.00 |

(b) The Clerk-Treasurer is authorized to issue the warrants necessary in the appropriate fund in favor of the individuals occupying the designated positions above in order to maintain the funds established by subsection (a), upon a claim for same approved by the appropriate Board. (Ord. No. 88-7, § 2, 3-7-88)

(c) The said individuals shall each use his Petty Cash Fund to pay small or emergency items of operating expenses. A proper expenditure from the Petty Cash Fund cannot be made without a receipt having been obtained for said expenditure. (Ord. No. 88-7, § 3, 3-7-88)

(d) The said individuals shall each periodically file a claim with the appropriate Board attaching with it all original receipts totaling the cash claimed to be expended so that the Petty Cash Fund may be reimbursed for these expenditures. (Ord. No. 88-7, § 4, 3-7-88)

(e) The claim for reimbursement of the Petty Cash Fund shall be approved and made in the same manner as is required for other expenditures of the City of Greenwood. (Ord. No. 88-7, § 5, 3-7-88)

(f) Any individual who holds a position above and who does not want a Petty Cash Fund shall so notify the Clerk-Treasurer in writing. This notification does not revoke the permission to later use such fund. (Ord. No. 88-7, § 6, 3-7-88)



**Sec. 2-96 Promotional Fund.**

(a) A fund, the Greenwood Promotional Fund, is established. The Common Council is authorized to budget and appropriate funds from the general fund or from other funds to pay the expenses incurred in promoting the betterment of the City.

(b) Expenditures from this fund may include, but are not necessarily limited to, the following:

(1) Membership dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

(2) Direct expenses for travel, meals and lodging in conjunction with municipal business or meetings or organizations to which the City belongs.

(3) Expenses incurred in the promotion of economic or industrial development for the City, including meeting room rental, decorations, meals, and travel.

(4) Commemorative plaques, certificates, or objects such as commemorative keys.

(5) Other purposes which are deemed by the executive to directly relate to the promotion or betterment of the City.

(c) Claims for expenses under this subsection will be allowed as prescribed by law. (Ord. No. 85-54, § 1, 10-30-85)

**Sec. 2-97 Special Nonreverting Capital Funds for the Greenwood Park and Recreation Districts.**

Repealed via Ordinance No. 00-20, passed by the Greenwood Common Council on July 5, 2000.

**Sec. 2-98 Special Vehicle Inspection Fund.**

(a) A separate fund entitled "Special Vehicle Inspection Fund" is established. (Ord. No. 88-30, § 3, 6-20-88)

(b) All fees collected pursuant to *I.C.*, 9-1-2-1 shall be itemized and deposited at least weekly with the Clerk-Treasurer, and the Clerk-Treasurer shall deposit said monies into the Special Vehicle Inspection Fund. (Ord. No. 88-30, § 4, 6-20-88)

(c) Monies in the Special Vehicle Inspection Fund must be appropriated and expended for law enforcement purposes only. (Ord. No. 88-30, § 5, 6-20-88)

**Sec. 2-99 Unsafe Building Fund.**

The Unsafe Building Fund is continued in existence as further addressed in Section 7-33 of this *Code*.

**Sec. 2-100 Sidewalk Project Fund.**

The Sidewalk Project Fund is continued in existence as further addressed in Section 7-44 of this *Code*.

**Sec. 2-101 Waste Management Fund.**

There is established in the City a Special Non-Reverting Fund to be known as the "Waste Management Fund" into which shall be deposited all monies received as a result of the contract entered into pursuant to Ordinance No. 92-30, and from which shall be paid the costs and expenses addressed therein, if any, under the contract. (Ord. No. 92-30, § 7, 6-29-92)

**Sec. 2-102 Cash Change Fund for City Court.**

The City Court is authorized, pursuant to *I.C., 36-1-7 et seq.*, to maintain a cash change fund in the amount necessary to the operation of the office. (Ord. No. 66-21, § 4, 2-6-67; Ord. 95-20, § 1, 8-21-95)

**Sec. 2-103 Rainy Day Fund.**

Unused and unencumbered monies raised by Special Income Tax Distribution shall be deposited by the Clerk-Treasurer into the Rainy Day Fund.

Monies deposited in the Rainy Day Fund shall be used as approved and appropriated by the Common Council, who, before making an appropriation, shall make a finding that the proposed use of the monies to be appropriated are consistent with the uses permitted for Special Income Tax funds. (Ord. No. 04-08, § 1, 3-1-2004)

**Sec. 2-104 Park and Recreation Infrastructure and Improvement Fund.**

There is established a Special non-reverting Fund, to be known as the "Park and Recreation Infrastructure Improvement Fund.

Said funds shall be utilized only for the purpose of paying the capital costs of new park and recreational infrastructure, including the acquisition of land, necessary to serve new development within the corporate limits of the City; the expenses incurred by the City for consulting services used regarding the Park and Recreation Infrastructure Improvement Impact Fee; the payment of refunds of the Park and Recreation Infrastructure Improvement Impact Fee; and the payment of the debt service cost on an obligation issued to acquire land or provide new park and recreational infrastructure to serve new development. No money placed in said fund may be withdrawn, except for the purposes for which the fund was created.

(Ord. No. 04-61, §2, 1-17-05)

**Sec. 2-105 through 2-109 Reserved for Future Use.**

**Division II. Recaptured Funds.****Sec. 2-110 Plan of Use for Community Economic Development.**<sup>15</sup>

The City of Greenwood determines that it is in its best interest to establish and hereby establishes a recaptured funds plan in the words as follows:

CITY OF GREENWOOD, INDIANA  
 PLAN FOR USE OF RECAPTURED FUNDS  
 FOR COMMUNITY ECONOMIC DEVELOPMENT  
 (Ord. No. 87-60, § 1, 12-21-87)

**Sec. 2-111 RFCED Nonreverting Fund Established.**

A nonreverting fund is established for the receipt of recaptured funds, interest thereon, and any other monies appropriated into the Plan's fund. (Ord. No. 87-60, § 4.3, 12-21-87)

**Sec. 2-112 Plan Incorporated by Reference.**

Ordinance No. 87-60, as amended, establishing a Plan for the use of recaptured funds received by the City is incorporated by reference and shall be maintained for public inspection in the office of the Clerk-Treasurer. (Ord. No. 87-60, 12-21-87)

**Sec. 2-113 through 2-119 Reserved for Future Use.****ARTICLE 10. MISCELLANEOUS PROVISIONS.****Sec. 2-120 Purchasing Agencies; Rules.**

(a) Purchasing Agencies. The following Boards and Commissions are established or acknowledged as the purchasing agency (the "Purchasing Agency") for the City to the extent stated:

(1) Greenwood Redevelopment Commission for the purchases of supplies and services which are paid in whole or in part from

(A) any revenues of a Tax Increment Financing (TIF) District, or

(B) an appropriation to the Redevelopment Commission, or

(C) public funds related to an economic development project which has been determined by the Redevelopment Commission to be a benefit to a TIF district, or

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<sup>15</sup> *I.C.*, 5-19-1-1 *et seq.*, and *I.C.*, 36-1-3-1 *et seq.*, address regulations in this area.

(D) Any other public funds under the control of the Redevelopment Commission.

(2) Greenwood Board of Aviation Commissioners for the purchases of supplies and services paid in whole or in part from

(A) any public funds in the Aviation Operating Bank Account, or

(B) any revenues from the operation of the Greenwood Municipal Airport, or

(C) an appropriation to the Board of Aviation Commissioners, or

(D) public funds related to a project which has been determined by the Board of Aviation Commissioners to be a benefit to the Greenwood Municipal Airport.

(3) Greenwood Park and Recreation Board for the purchases of supplies and services paid in whole or in part from

(A) any public funds in any of the funds of the Greenwood Park and Recreation Board, or

(B) any revenues from the operation of the Greenwood Parks and Recreation Department including any of its programs, or

(C) an appropriation to the Greenwood Park and Recreation Board, or

(D) public funds related to a project which has been determined by the Greenwood Park and Recreation Board to be a benefit to the Greenwood Parks and Recreation Department.

(4) Board of Public Works and Safety for the purchases of supplies and services for the City including every agency, board, office, branch, bureau, commission, council, department or other establishment of the City, except as provided by subsections (1) through (3) above. Notwithstanding subsections (1) through (3), the Greenwood Redevelopment Commission, the Board of Aviation Commissioners and the Greenwood Park and Recreation Board may request the Board of Public Works and Safety to make purchases for it as the purchasing agency and with its designated purchasing agents.

(b) Powers. The Purchasing Agency shall have all the powers and duties authorized under IC 5-22 as amended and as supplemented, and as may be supplemented from time to time by ordinances adopted by the Greenwood Common Council and rules, regulations, and policies adopted by the Purchasing Agency.

(c) Agents.

(1) The President of the Redevelopment Commission, the Greenwood Park and Recreation Board and the Board of Aviation Commissioners shall be a purchasing agent of the Purchasing Agency for which they serve unless and until the Purchasing Agency files a writing terminating such status with the Fiscal Officer of the City. The Purchasing Agency may also restrict the authority of the above purchasing agents by filing a writing with the Fiscal Officer of the City.

(2) The City Court Judge, the City's Fiscal Officer and each executive department head shall be a purchasing agent of the Purchasing Agency of the Board of Public Works and Safety for purchases for their own departments or operations unless and until the Purchasing Agency files a writing terminating such status with the Fiscal Officer of the City. The Purchasing Agency may also restrict the authority of any of the executive department head purchasing agents by filing a writing with the Fiscal Officer of the City.

(3) In addition, any Purchasing Agency may designate any employee of the agency or the City as one of its purchasing agents by filing a writing with the Fiscal Officer of the City. The writing shall delineate the purchasing agent's limits of authority. The designation of one as a purchasing agent may be terminated or restricted at the discretion of the Purchasing Agency.

(4) Any Purchasing Agency may authorize any of its purchasing agents to designate any of the agent's employees or office holders as purchasing agents under the terms and conditions it believes appropriate. Any such designations may be terminated by either the purchasing agent who designated such purchasing agent or by the Purchasing Agency by filing a writing terminating such purchase agent status with the Fiscal Officer of the City.

(d) Required Rules. The following are the required purchasing rules for the City:

(1) Purchase of Supplies Manufactured in the United States. Supplies manufactured in the United States shall be specified for all City purchases and shall be purchased unless the City's Purchasing Agency determines that:

(A) the supplies are not manufactured in the United States in reasonably available quantities;

(B) the price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(C) the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(D) the purchase of supplies manufactured in the United States is not in the public interest.

(E) The Purchasing Agency shall be responsible for defining the term "manufactured in the United States".

(F) The items listed in Federal Acquisition Regulation 25.108 (48 CFR 25.108), as amended from time to time, are presumed to not be manufactured in the United States in reasonably available quantities. A copy of the current said CFR may be annexed to the Greenwood Municipal Code as an exhibit.

(2) Purchase of Supplies from the Department of Correction. The City shall purchase from the Department of Correction supplies and services produced or manufactured by the department under IC 11-10-6 as listed in the department's printed catalog unless the Purchasing Agency or its purchasing agent has determined that:

- (A) the supplies and services cannot be furnished in a timely manner, or
- (B) the supplies and services do not meet the specification and needs of the City, or
- (C) the supplies and services cannot be purchased at a fair market price.

The Purchasing Agency shall be responsible for interpreting the terms in this subsection in order to carry out the intent.

(3) Purchase of Supplies from the Rehabilitation Center under IC 12-12-3-1. The City shall purchase articles produced by the Rehabilitation Center as listed in the Bureau's printed catalog unless the Purchasing Agency or its purchasing agent has determined that:

- (A) the supplies and services cannot be furnished in a timely manner after having given the bureau a reasonable time to produce or supply the articles, or
- (B) the supplies and services do not meet the specification and needs of the City or
- (C) the supplies and services cannot be purchased at a fair market price or
- (D) similar articles are produced by the City.

The Purchasing Agency shall be responsible for interpreting the terms in this subsection in order to carry out the intent. However, once the Purchasing Agent has obtained a written statement from the Bureau that the article described in the catalog cannot be furnished, the agent may obtain the article elsewhere.

(e) Small Purchases Rule

All purchasing agencies may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes. Any purchasing agency may establish further policies, rules or regulations for the designation or limitation of purchasing agents to act pursuant to this subsection.

(f) Special Purchasing Methods

Any purchasing agency may use any special purchasing method for which it can qualify under IC 5-22-10, as amended from time to time.

(g) Purchase of Services

The Greenwood Common Council hereby determines that each Purchasing Agency, department, elected Fiscal Officer and City Court Judge, and the Council, may purchase services in whatever manner the purchaser determines to be reasonable, to the extent provided by law.

(h) Procedural Rules. The following are purchasing rules for the City:

(1) Protection of Offers: Status of Documents as Public Records.

Pursuant to IC 5-22-18-4, as amended from time to time, all documents submitted to the City in response to a solicitation shall be protected from disclosure and public inspection as follows:

(A) Protection of Offers Prior to Opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(B) Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued, which shall contain information concerning the proposals, and keep the register available for public inspection and copying. Proposals may not be disclosed.

(D) The purchasing agent may provide in the solicitation that all information in the response to the solicitation claimed to be proprietary must be submitted in an envelope marked "CONFIDENTIAL" and that the offeror must indemnify the City, the Purchasing Agency, and their agents for any claim under the Public Records Law in connection with the offer. The solicitation may also provide that if the offeror fails to defend the claim that the information is proprietary within five (5) days of notice of a request for disclosure under the Public Records Law, the offeror has waived the claim and consents to disclosure.

(E) All registers of proposals will be kept in the Fiscal Officer's Office for five (5) years.

(2) Discussions With Offerors Responding to a Request for Proposals.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(3) Delay of Opening of Offers.

When the Purchasing Agency makes a written determination that it is in the City's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

(4) Evidence of Financial Responsibility.

(A) Purchases Less Than \$25,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000, without the approval of the Purchasing Agency.

(B) Purchases Between \$25,000 and \$100,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

(C) Purchases Over \$100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

(5) Use of RFP for Purchases of Designated Types of Supplies

The Purchasing Agency shall determine when it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding and receiving proposals is the preferred method for purchasing those supplies.

(6) Modification and Termination of Contracts

(A) Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(i) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(ii) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(iii) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(iv) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or

(v) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) Adjustments in Time of Performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.



(C) Unilateral Rights of Purchasing Agency. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the City to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) Quantity Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(7) Publication of Notices

(A) Invitation for Bids. All notices of invitation for bids shall be published in accordance with IC 5-3-1 as amended.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

(B) Request for Proposals. All notices of request for proposals shall be published in accordance with IC 5-3-1 as amended.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the proposals will be opened.

(C) Request for Specifications. All notices of request for specifications shall be published in accordance with IC 5-3-1 as amended.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the proposals will be opened.

(D) Electronic Notices. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

(8) Receiving Offers

(A) Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

(B) Electronic Receipt of Offers. The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications to the extent allowed by law .

(C) Correction and Withdrawal of Bids. An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

(D) Cancellation of Solicitation. When the purchasing agent makes a written determination that it is in the City's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

(i) Other Procedural Rules. The Purchasing Agency may make additional rules, regulations and policies as it deems necessary to supplement these rules on either a purchase by purchase basis or for all of its purchases to the extent provided by law.

(Ord. No. 98-19, § 1, June 15, 1998)

**Sec. 2-121 Americans With Disabilities Act (ADA) Policy Statement.**

(a) The following policy statement is adopted for the City of Greenwood, acting by and through its Boards, Commissions, agents and departments:

**Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act ("ADA") provides civil rights protection to qualified individuals with disabilities in five (5) areas of public and private life:

**Employment:** Employers may not discriminate against an individual with a disability in employment provided the person can perform the "essential functions" of the job with or without reasonable accommodation. Employers must provide reasonable accommodations unless doing so represents undue hardship for the employer. The effective date for the City of Greenwood is July 26, 1992, because the City employs twenty-five (25) or more employees.

**Public accommodations:** Public accommodations must be available to disabled persons through nondiscriminatory practices and accessible facilities. Affected businesses include, for example, doctors, lawyers and accountants, zoos, parks, banks, libraries, theaters, museums, restaurants, bars, schools, day care centers, hotels and motels, stores and shopping centers, gas stations, and other businesses and facilities which invite the public to do business. Effective date is January 26, 1992.

**Public and private transportation:** Transportation services, even if provided by private companies and individuals, must not discriminate against individuals with disabilities. That includes bus, rail and other conveyances that provide service to the general public. It does not include air travel, and special effective dates apply to "over the road" buses. Effective date is January 26, 1992.

**Telecommunication relay services:** Providers of telephone services must provide hearing and speech impaired individuals with telecommunications services which enable them to communicate with hearing individuals. Effective date is July 26, 1993.

**Services provided by State and local governments:** State and local governments must comply with the employment and public accommodation provisions listed above, and must ensure that all programs and services provided or made available by them do not discriminate against individuals with disabilities. Effective date is January 26, 1992, with structural alterations to City's buildings to be completed by January 26, 1995.

**Complaints, enforcement and remedies:** An individual who believes that he or she has been discriminated against may file a grievance with the City of Greenwood ADA Coordinator or may file a complaint with the appropriate agency within one hundred eighty (180) days of the date of alleged discrimination, unless good cause for delay is shown. Pursuit of a complaint through the City's grievance procedure is the kind of "good cause" which delays the start of the one hundred eighty (180) days. Individuals may also initiate lawsuits against a municipality as a means of compelling compliance with the ADA.

It is the policy of the City of Greenwood to not exclude qualified individuals with disabilities from participation in or benefiting from the services, programs or activities of the municipality.

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## **CITY ADMINISTRATION**

Also, it is the policy of this municipality not to discriminate against a qualified individual with a disability in its job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training and other terms, conditions and privileges of employment. It is the intention of this municipality to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to municipal officials on how the municipality might better meet the needs of individuals with disabilities pursuant to its stated policy.

To meet its obligations under the ADA, the City of Greenwood will, to the extent possible:

1. Ensure that services provided by the City are equally available to individuals with disabilities;
2. Ensure that individuals with disabilities are able to participate in City sponsored programs and activities;
3. Remove structural and architectural barriers to participation by individuals with disabilities in City owned and leased buildings;
4. Take steps to ensure that vendors, contractors and other who do business with the City do not discriminate against individuals who have disabilities;
5. Reaffirm that the City is an equal opportunity employer, and that hiring is done without reference to race, gender, religion, natural origin or disability;
6. Provide a grievance system by which individuals with disabilities might make known to the City problems that exist in the provision of City services, so that such problems may be resolved quickly and fairly.
7. Appoint an ADA Coordinator who shall be responsible for oversight of all ADA compliance activities, and shall receive complaints through the grievance system, and investigate and resolve them.

The ADA Coordinator for the City of Greenwood is:

Head of the Law Department or the Mayor  
or the Mayor's designee if position is vacant  
2 North Madison Avenue  
Greenwood, Indiana 46142  
(317) 888-0494

(Res. No. 92-2, § 1, 3-2-92,  
Ord. 98-45, § 2, 9-21-98)

(b) The Greenwood Common Council delegates the authority to the Greenwood Board of Public Works and Safety to amend this policy when required by Federal law, to make all reasonable rules and regulations to comply with this policy and the ADA, as amended, to adopt a grievance procedure under the ADA, and do all things reasonable and necessary to publish this policy. (Res. No. 92-93, § 2, 3-2-92)

(c) The Greenwood Common Council joins with and ratifies the actions of the Mayor in adopting a City policy for compliance with the ADA. (Res. No. 92-2, § 3, 3-2-92)

**Sec. 2-122 through 2-124 Reserved for Future Use.**

**Sec. 2-125 Fair Housing**

The following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, disability, familial status or national origin:

(a) Policy. It is the policy of the City of Greenwood, Indiana, to provide, within constitutional limitations, for fair housing throughout the City, as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and IC 22-9.5-1 et seq., as amended. (Ord. No 93-40, 11-15-93)

(b) Definitions.

**AGGRIEVED PERSON** means any person who:

- (1) has been injured by a discriminatory housing practice; or
- (2) reasonably believes that such person will be injured by a discriminatory housing practice that is about to occur.

**DISABILITY** means, with respect to an individual:

- (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) a record of having such an impairment;
- (3) being regarded as having such an impairment;
- (4) an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990, as amended; or
- (5) any other impairment defined under IC 22-9.5-2-10, as amended;

but such term does not include current illegal use of a controlled substance as defined in Section 802 of the Controlled Substances Act, Title 21 of the United States Code, or

other conditions exempted by the Americans with Disabilities Act of 1990 or IC 22-9.5-1, *et seq.*, as amended.

**DISCRIMINATORY HOUSING PRACTICE** means an act that is unlawful under Subsections (d), (e), (f), or (g).

**DWELLING** means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure, or portion thereof.

**FAMILY** means one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person. "Family" includes a single individual where that individual is:

- (1) pregnant; or
- (2) in the process of securing legal custody of a child who is not yet eighteen (18) years old.

**FAMILIAL STATUS** means being part of a "family" as defined by this section. **PERSON** includes one or more individuals, corporations, limited liability companies, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. **TO RENT** includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (Ord. No. 93-40, § 2, 11-15-93)

(c) Unlawful Practice. Subject to the provisions of subparagraph (2), below, and paragraph (h) of this Section, the prohibitions against discrimination in the sale or rental of housing set forth in Section 4 shall apply to:

- (1) All dwellings, except as exempted by subparagraph (2);
- (2) Nothing in Subsection (d) shall apply to:

(A) any single-family house sold or rented by an owner where the private individual owner does not own more than three (3) such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent



resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

(i) without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

(ii) without the publication, posting or mailing of notice of advertisement or written notice in violation of Section (d)(3) of this Ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other professional assistance as necessary to perfect or transfer this title; or

(iii) where rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one unit of such living quarters as his residence.

(B) For the purposes of paragraph (c)(ii), a person shall be deemed to be in the business of selling or renting dwellings if:

(i) he has, within the preceding twelve months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(ii) he has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(iii) he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

(Ord. No. 93-40, § 3, 11-15-93)

(d) Discrimination in the Sale or Rental of Housing. Except as exempted by paragraphs (c)(2) and (h), it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise refuse to make available a dwelling to any person because of race, color, religion, sex, disability, familial status or national origin;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, disability, familial status or national origin;

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement with respect to the sale or rental of a dwelling, that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status or national origin, or which indicates an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) To induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin;

(6) To discriminate:

(A) In the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(i) that buyer or renter;

(ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(iii) any person associated with that person.

(B) Against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

(i) that person; or (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (iii) any person associated with that person.

(C) For purposes of this subsection, discrimination includes: (i) a refusal to permit, at the expense of other than the owner, reasonable modifications of existing premises occupied or to be occupied by a person with disabilities, if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification upon the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(iii) in connection with the design and construction of covered multi-family dwellings for first occupancy after March 12, 1990, a failure to design and construct those dwellings in such a manner that:

(I) the public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

(II) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons using wheelchairs; and (III) all premises within such dwellings contain the following features of adaptive design:

(aa) an accessible route into and through the dwelling;

(bb) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(cc) reinforcements in bathroom walls to allow later installation of grab bars;  
and

(dd) kitchens and bathrooms designed so that an individual in a wheelchair can maneuver about the space.

(D) Compliance with the appropriate requirements of the ADA and of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (C)(iii)(III).

(E) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others, including the property of the owner. (Ord. No. 93-40, § 4, 11-15-93)

(e) Discrimination in Residential Real Estate-Related Transactions. It shall be unlawful for any person whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, disability, familial status, or national origin.

(1) As used in this section, the term "residential real estate-related transaction" means any of the following:

(A) The making or purchasing of loans or providing other financial assistance:

(i) for the purchase, construction, improvement, repair, or maintenance of a dwelling; or (ii) which is secured by residential real estate.

(B) The selling, brokering, or appraising of residential real property. (2) Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, sex, disability, or familial status. (Ord. No. 93-40, § 5, 11-15-93)

(f) Discrimination in the Provision of Brokerage Services. It shall be unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account

of race, color, religion, sex, disability, familial status or national origin. (Ord. No. 93-40, § 6, 11-15-93)

(g) Interference, Coercion or Intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person's exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by paragraphs (c), (d), (e) or (f) of this Ordinance. (Ord. No. 93-40, § 7, 11-15-93)

(h) Prevention of Intimidation in Fair Housing Cases. Whoever, whether or not acting under color of law or by force or threat of force, willfully injures, intimidates, or interferes with, or attempts to injure, intimidate or interfere with:

(1) any person, because of his race, color, religion, sex, disability, familial status, or national origin, in connection with the selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting of dwellings; or (2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(A) participating, without discrimination on account of race, color, religion, sex, disability, familial status, or national origin, in any of the activities, services, organizations or facilities described in subparagraph (1); or

(B) affording another person or class of persons opportunity or protection so to participate; or

(3) any person because he is or has been participating, or in order to discourage such person or any other person from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status, or national origin, in any of the activities, services, organizations or facilities described in subparagraph (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, shall be:

(A) fined not more than One Thousand Dollars (\$1,000.00) per occurrence; (B) if bodily injury or death results, shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00).

Such fine shall be in addition to any other penalties authorized by State or Federal law.  
(Ord. No. 93-40, § 8, 11-15-93)

(g). Exemption.

(1) Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any not-for-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless participation in such religion is prohibited on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members unless membership in said club is restricted because of race, sex, color or national origin.

(2) Nothing in this Ordinance regarding familial status shall apply to "housing for older persons", as defined by IC 22-9.5-3-4, as amended.

(3) Nothing in this Ordinance regarding familial status shall prohibit the enforcement of reasonable restrictions on the maximum number of individuals permitted to occupy a dwelling for valid health or safety reasons, provided such restrictions are uniformly enforced. (Ord. No. 93-40, § 9, 11-15-93)

(h). Administration and Enforcement. (1) The authority and responsibility for administering this Act shall reside in the Mayor of the City of Greenwood, or her or his designee. (2) Notwithstanding the above, and the provisions of IC 22-9.5-4-8, the City of Greenwood lacks the financial and other resources necessary to fully administer and enforce the provisions of this Ordinance, and herein elects to refer all formal complaints from aggrieved persons to the Indiana Civil Rights Commission for investigation, enforcement, resolution, and the securing of appropriate relief pursuant to the provisions of this Ordinance and IC 22-9.5-1 et seq., as amended. (3) All executive departments and agencies of the City of Greenwood shall administer their programs and activities relating to housing and urban development in

a manner which affirmatively furthers the purposes of this Ordinance, and shall cooperate with the Commission to further such purposes. (Ord. 93-40, § 10, 11-15-93)

**Sec. 2-126 through 2-129 Reserved for Future Use.**

**ARTICLE 11. CHARTS DEPICTING THE EXECUTIVE  
AND FISCAL BRANCHES.**

**Sec. 2-130 Organizational Charts.**

The charts on the following pages depict the Executive and Fiscal Branches of the City of Greenwood, Indiana.

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**\*\* Pages 76 through 91 Reserved for Future Use.\*\***

**§ 2-110**

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**§ 2-119**